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THE  
SEIGNIORIAL TENURE

IN  
CANADA,

AND  
A  
PLAN OF COMMUTATION

BY  
J. C. TACHÉ.

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"It is evident that no great law reform can  
be devised, without the occurrence of indi-  
vidual cases of hardship, and that scheme must  
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(Report of the Commissioners of 1843.)

"Indubio libertati servandus est."

(Roman Aphorism.)

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EMPTED BY ORDER OF THE LEGISLATIVE ASSEMBLY

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*(Translated from the French.)*



QUEBEC:

PRINTED BY LOVELL AND LAMOUROUX, AT THEIR STEAM-PRINTING ESTABLISHMENT,  
MOUNTAIN STREET,

1854.



## ROOMS OF THE RIMOUSKI CONVENTION.

In obedience to the instructions given at a public meeting of the Parish of St. Germain de Rimouski, held on the twelfth of February last, the Committee of organization which was then constituted, issued a Circular to the different Parishes of the County calling upon them to elect delegates with a view to the establishing of a Seigniorial Convention, to sit at Rimouski, on the twenty-first of the present month.

J. BTE. LEPAGE,  
Secretary to the Committee of organization.

Rimouski, 21st February, 1854.

### MINUTES

OF THE SEIGNIORIAL CONVENTION OF THE COUNTY OF RIMOUSKI, BEGUN AND HELD  
ON THE 21ST FEBRUARY, 1854.

J. C. TACHÉ, Esquire. M. P. P., President,  
P. GAUVREAU, Esquire, } Vice-Presidents.  
BEN. DIONNE, Esquire, }  
P. L. GAUVREAU, Esquire, } Secretaries.  
L. F. GARON, Esquire, }

*Delegates present :*

<p>MM. A. Bertrand,..... Green Island, J. Bte. Bélanger,.. St. Simon, M. Côté,..... Rimouski, J. Côté, ..... Bic, F. Chamberland,... Bic, C. F. Caron,..... St. Simon, S. Côté,..... Green Island, J. B. Chamberland, Kakouna, J. Durnin,..... Ste. Flavie, J. Dutremble,..... Ste. Flavie, P. Dechamplain, .. St. Luce, Dr. Dubé,..... Trois-Pistoles, Ed. Durette,..... St. Eloi, Dr. Desjardins,.... Green Island, Benj. Dionne,..... Kakouna, J. Fournier,..... Ste. Flavie, J. Forbes,..... Matane, A. E. Gauvreau,... Ste. Luce, P. Gauvreau, ..... Rimouski, L. P. Gauvreau,.... Rimouski, J. Garon,..... Rimouski, L. F. Garon,..... Rimouski, D. Gagné,..... St. Fabien, L. A. Huot,..... Matane, F. Hudon,..... St. Simon, J. Heath,..... Green Island, J. Lévesque,..... Mitis, A. Langevin,..... Ste. Luce, C. Lepage,..... Rimouski,</p>	<p>MM. M. Lepage,..... Rimouski, H. Lepage,..... Rimouski, J. Lepage,..... Rimouski, L. J. Lepage,..... Rimouski, L. Langis,..... Rimouski, J. Lévesque,..... Trois-Pistoles, H. McOwan,..... Mitis, E. Martin,..... Rimouski, A. Mercier,..... St. Simon, M. Martel,..... Trois-Pistoles, T. Maurault,..... Green Island, G. Pelletier,..... Ste. Flavie, B. Parent,..... Ste. Luce, O. Pineau,..... Rimouski, J. Pouliot,..... Rimouski, J. B. Pouliot,.... River du Loup, J. Roy,..... St. Fabien, C. Rioux,..... Trois-Pistoles, P. Renouf,..... Trois-Pistoles, R. Sproat,..... Mitis, J. B. Saucier,..... Ste. Flavie, M. Santerre,..... Ste. Luce, J. Sirois,..... Kakouna, T. St. Laurent, ... Kakouna, G. St. Pierre,..... St. Fabien, A. Tremblay,..... Ste. Luce, J. C. Taché,..... Rimouski, H. Turcot, ..... St. Eloi, L. Voyer,..... Bic.</p>
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The Seigniors who took part in the meeting were :

Messrs. D. Fergusson, Seignior of Mitis,  
L. N. Gauvreau, Seignior of Villeraï,  
C. Rioux, Co-Seignior Trois-Pistoles.



After the meeting had spent some time in deliberation, the following motions were made :—

Dr. Dubé moved, seconded by Mr. A. E. Gauvreau :

That it be resolved that the Seigniorial question is a measure of urgent necessity, and that there is no other means of immediately determining it than by adopting a uniform and simplified system in order to know at once what is to be done, and to avoid the delays, mistakes and difficulties of every description which arise from enquiries, arbitrations, commissions and appointments.

Carried unanimously.

Mr. Edouard Martin moved, seconded by Dr. Desjardins,

That it be resolved that it is the opinion of this Convention that the plan proposed by Dr. Taché, member for the County of Rimouski, has placed the question of the Seigniorial Commutation in a new light, and that the said plan is that which the County of Rimouski adopts in so far as it is concerned in the question.

Carried unanimously,

Mr. Théophile St. Laurent moved, seconded by Mr. Jean Sirois .—

That this Convention undertakes in the name of the County of Rimouski to have printed in pamphlet form the project of Dr. Taché as well as the explanations and commentaries accompanying it for the purpose of distribution among the public at large.

Carried unanimously.

Mr. John Heath moved, seconded by Mr. Charles Francois Caron :—

That this Convention, in the name of the County of Rimouski requests the other Counties maturely to examine the project of Dr. Taché, certain as the said Convention is, that this project which does justice to all parties, will be adopted after a serious examination.

Carried unanimously.

Mr. J. Caron moved, seconded by Mr. R. Sproat :—

That this Convention entertain the opinion that the members from Upper Canada will support the members from Lower Canada on the important question of the abolition of the Seigniorial rights.

Carried unanimously.

Mr. L. A. Huot, moved, seconded by Mr. F. Chamberland, that in answer to the appeal from the County of Kamouraska to the inhabitants of this District, this Convention offers for its consideration the project just adopted.

Carried unanimously.

Mr. J. B. Pouliot moved, seconded by Mr. J. Garon,

That in order to hasten the immediate solution of the Seigniorial question, it becomes necessary that this Convention should come to an understanding with the other Anti-Seigniorial Conventions of this Province with a view to the adoption of a uniform plan for the whole Province, to be submitted at the next meeting of the Legislature.

The said motion was rejected by the whole of the meeting except the movers, on the principle that it was calculated to affect the adoption of the project in question, and that the Convention had already appealed by a Resolution to the other parts of the Country.

On motion of Mr. J. Forbes, seconded by Mr. J. B. Pouliot ;

Resolved that the thanks of this meeting are due to the President, both for his services in the present circumstance, and his constant efforts to promote the interests of the Country and of his County in particular ; and that the same thanks are also due to the Vice Presidents and Secretaries, for the interest taken by them in the present question.

True Copy.

P. L. GAUVREAU, } Secretaries.  
L. F. GARON, }

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*To the Members of the Seigniorial Convention of the County of Rimouski.*

GENTLEMEN,

In compliance with your wishes, I now offer you a new project for the settlement of the Seigniorial Tenure in Canada. The only reward I desire in return for my labours, is, that you will seriously and impartially examine it. I crave pardon for presenting you with a paper which bears evidence of having been hastily drawn up,—in compiling it, however, I had, above all things, to be concise.

Your devoted servant,

J. C. TACHÉ.

Rimouski, 21st February, 1854.



## I.

I had hitherto only considered the Seigniorial Tenure with a view to the redressing of the wrongs arising from it, and only desired commutation to the extent necessary to remove the obstacles to industry, consequent in certain cases upon the Tenure in *censive*. In so doing I went no further than to adopt the opinion of the most eminent men who have given their serious attention to this subject, and defer to the views expressed by the great majority of the *censitaires* in the petitions presented by them to those in authority. These opinions are set forth in the letters and documents annexed to the Report of the Commission of 1843. "The complaints brought or raised against our Seigniorial Tenure", wrote the *censitaires* of St. Cyprien de Léry, "could only have been made against the speculators who have become Seigniors of our finest Seigniories, and against the silence maintained in our Courts of Justice, with respect to the unlawful proceedings which have compromised this system."

I am yet of opinion that in a country newly settled and devoted exclusively to agriculture, there is no better system of conceding lands than that practised under the Seigniorial Tenure, as established in Canada by the laws of France. "The system of Seigniories" said the celebrated Andrew Stuart in the Report of the Committee of 1820, "with respect to the settlement of wild lands, is calculated to produce and has produced in this country an equal division of lands, an effect favorable to human happiness, morality, habits of industry, the stability of the laws of Government, and the military strength of the country."

I am far from espousing the opinion of those who pretend that the Seigniorial Tenure, by the individual relations it creates, tends to lower and degrade the people. Michelet, speaking of the feudal tenure in France, says, "Servile forms, minds free and bold, such is the feudal tenure." Moreover, say the Commissioners of 1843, "The Canadian Seignior was not possessed of many of the odious and outrageous rights and privileges which belong to the Feudal Seignior in Europe." From the Feudal Tenure we had preserved what is good, and it is probably in part to this institution that we are indebted for the chivalric manners and exquisite politeness which characterize our population; for, let us endeavour to preserve these excellent qualities when the Seigniorial Tenure shall have ceased to exist, and let us beware of casting insult upon these gradually fading institutions; liberty and equality are better upheld when unaccompanied by trivial and unbecoming actions.

There always have been and always will be large proprietors, whether they be patriarchs, Seigniors or merchants; the possession of large property is a necessary element in the progress of the human race: but the result invariably is, the abuse of institutions, and thence arise those shocks, either anticipated or unforeseen, which are to be met with in the history and the Legislation of every nation, under the names of Jubilee, agrarian laws, and revolutions, and which hereafter will be called expropriation of property for the the public interest, with indemnification. In the early period of our history the Canadian husbandman might say, under our Tenure, upon setting foot in his new country, and planting his axe in the forest tree: "this soil is mine," and hence the adage applied to one who has no written title, "My axe is my title." In truth the holder under free and common soccage can hardly say as much as this.

Were we to consider the Seigniorial Tenure only with reference to the relation existing between the Censitaire and the Seigneur, it would be impossible to bring any sound argument in favor of the doctrine of compulsory commutation against the Censitaire, because upon him rests the charge, upon his shoulders is the burthen placed, and to him in such case belongs the choice. Any law tending to change the nature of a privilege has for its effect to ease the burthen of him who suffers. Without this the law would be useless or vexatious. "It would be an act of sovereign injustice," said the Inspector General, Mr. Hincks, in 1853, "to impose a forced commutation, and this on account of the exactions of the Seigniors." This appears evident, in so far as it relates to a Law for regulating private transactions; in such a position, the Seigniorial question could only be solved by means of a law establishing the respective rights of Seigniors and Censitaires, and by a law of voluntary commutation. I desire no further proofs of the justice of this opinion in its application, than the contest of interests, the multiplicity of pretensions, and the conflicting authorities, to which may be added the mass of details which characterise all schemes of settlement. This idea has been brought out by Messrs. Buchanan, Taschereau, and Smith, in the report of 1843, and it was also the opinion of the Committee of 1851.

Happily, however, the question may be looked at in a broader light. The feudal tenure trammels not only the Censitaire, but society at large, and, to use the spirited language of old tradition, "*l'enferme sous portes et gonds du ciel à la terre.*"\* Hypothecary credit, public and private enterprise, and the rights of third parties, all owe submission to the Régime of this Tenure. I will cite an example, from which I shall draw a fact of importance to the cause. The Province, in conjunction with wealthy Companies, is now engaged in the construction of a net-work of railways; but, for this purpose, Seigniorial property has to be traversed and a portion of it to be purchased; now every lot of feudal land, in virtue of the indivisibility of the *cens*, is subject to the payment of *lods et ventes*. Let a transaction be effected equivalent to sale, and it will be necessary to pay to the Seigniors the twelfth part of the value of the railways.

In a case like this, and in that of the foundation or enlargement of Towns, or the establishment of mills or factories, it is not the Censitaire, the present occupier of rural property, who suffers the greatest wrong, but the mechanic, the capitalist, and as a consequence, society in general, whose progress may be retarded, and even paralyzed. The husbandman, whose property is transmitted from father to son, pays no *lods et ventes*, and the country proprietor who sells to a manufacturer a small portion of his lands, sells it for what it is worth to him, nay even more, and the *lods et ventes* which accrue by the application of capital no longer concern him.

Mr. Berzey, of D'Aillebout, writing to the Commission of Enquiry into the Seigniorial Tenure, says:—"Were I at liberty to commute the tenure of the lands now in my possession, I should have but few reasons for doing so; not that I have individually any objection to change their Tenure, but because I prefer to keep the money I should have to expend in effecting the change, and employ it in a much more profitable manner." This was also the opinion expressed by Messrs. Taché, of Kamouraska, Raymond, of St. Jacques, and a multitude of others, who could not be accused of ideas either retrospective or old-fashioned. It was under the influence of as wise a view that Attorney General Drummond, during the discussion on the Bill of last session, made the following declaration, which was received with applause by the whole House: "I will never consent to any measure rendering commutation immediate and forced on the part of the Censitaire." It is not then on this ground that I approach the question. I would treat it as a measure of general utility, required by a revolution which has taken place in the construction of society, and I lay down this principle, that in this act of expropriation to serve the public

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\* "Binds it with bolts and bars from heaven to earth."



interest, the Seigneur should be indemnified to the full amount of what is justly due to him ; that the Censitaire should pay an amount equivalent to what is due by him ; that society ought to contribute in proportion to the benefits it would receive, and the sacrifices it would impose ; for a sacrifice it is that society imposes on the Seigneur in forcing him to provide another means of investment for his capital, and a like sacrifice it imposes on the Censitaire in compelling him to redeem those casual dues which he now pays only in virtue of an act of his own will.

## II

It is expedient in the first place to give a history of the Seigniorial Tenure, for the purpose of showing the object and intent of its introduction into Canada, and to explain the extent of the duties it imposes upon each member of Society. It is not necessary to investigate history for the origin of the feudal law in Europe ; it is plain that this institution was formed gradually out of the decentralization of Government and justice, carried to its farthest limits by proud and warlike nations, jealous of their rights with no regular form of Government, divided among themselves as to origin and interests, but accustomed to the same life and the same habits, and compelled to unite on important occasions for purposes of attack or defence.

Immediately after the discovery of Canada, the first care of the Kings of France was to endeavour to effect the settlement of the Country, *with a view to the conversion and civilization of the Indians, and for the benefit of the King's subjects*. It is therefore upon an historical falsehood that some of the Seigniors base their assertion that the concessions of lands throughout the extent of New France, were only intended to benefit one class at the expense of the other ; and their advocate's memory signally failed him when he asserted that the Kings of France considered "the people to be so abject, as not to merit any consideration." History will prove that during the entire progress of the work of transformation which took place here, particularly between the tenth and twelfth centuries, the struggle in France was maintained between the people and the King on the one hand and the high vassals on the other.

However this may be, the manifest intention of the Kings of France is expressed in all the letters and documents having reference to the Colony. "The entire history of "early legislation in Canada," said Mr. Chauveau in the last Session of Parliament, "is nothing more than a scheme of colonization."

The powers and attributes granted by Henry IV, first of all to Messrs. de Roberval, de Monts, and subsequently to Guillaume de Caen, not having produced the desired effect, Louis XIII, in 1627, constituted by Royal Charter the *Compagnie des Cent Associés*, and revoked the powers granted to de Caen, giving to the Company the Country of New France *en toute propriété, justice et Seigneurie* and in the preamble to this charter, the King explains the object of this grant in the following terms. "The King being "possessed of the same desire as the deceased Henri le Grand, his father.....had, to seek "out and discover.....in the Country of New France, a locality suitable for the establishment of a Colony, and by that means to lead the inhabitants to a knowledge of the "true God, to civilize them and to derive from the said lands some advantageous commerce for the benefit of the King's subjects."

This Company of New France conceded Seigniories to different persons, always keeping in view the manifest intention of colonization. "The wish to settle advantageously the Colony of New France, causing us to seek out those who would contribute to that end their own influence and property, &c., (Concession by the Company to the Reverend Jesuit Fathers.)

In 1663, the Company, feeling themselves unable to accomplish the end for which they had been formed, resigned their rights, and in 1664 Louis XIV constituted the Company of the West Indies, to which he ceded, as our ancestors have it, "Africa and America", in Seignior, with all rights of property and jurisdiction "to effect their settlement, and establish a commerce now carried on there by strangers."

Their attempt not having been successful, the great King revoked the concession, and in 1674 reunited the property of the Company of the West Indies to the domains of the Crown. "To preserve to our subjects," says the edict, "the advantages which their courage and industry had earned for them" and Louis, considering it expedient to provide for the concession of new lands, authorized Messrs. de Frontenac and Duchesneau, then Governor and Intendant, to grant concessions, and after that period all concessions were made by the King or his representatives, the greater part of them commencing as follows: "His Majesty having always zealously sought the means of advancing in the most remote Countries the glory of God and the Christian name, the first and main object of the establishment of a French Colony in Canada, &c., &c."

We have seen that the King revoked at will and without indemnification the concessions made to the Companies; on different occasions, forfeiture was even declared against individuals on account of neglect in settling; here is an example bearing date 1689, "Having given notice to Charlotte Lacombe, widow of Antoine Caddé, that we desired, in conformity with the will of the King, that she should turn to account and settle the Rivière de la Madeleine..... without having commenced to make any settlement upon the said river and lands, wherefore we informed her.....that we should reunite the said river and lands conceded to the said Caddé to the domain of His Majesty, *that he might grant it to another person who would establish settlements for the advantage and enlargement of the Colony, &c. &c.*" (Title of Sieur Denis Riverin.)

The concessions were made on condition of *settlement, and of conceding at the customary rates and charges*. The reciprocal relations and duties of the Seigneur to the King, and of the Censitaire to the Seigneur were, and still are, regulated by custom, and the Edicts and Royal decrees, (*Arrêts Royaux*) and the Ordinances and decisions of the Intendants, established the Jurisprudence in matters of interpretation.

Until the Cession of Canada, the Crown of France and its representatives watched with paternal care the settlement of the Country, and maintained the rights of Censitaire Settlers or those wishing to become such, and any attempt at encroachment or refusal to concede on the part of the Seigneur, was instantly repressed. The Edict of 1663 and the Arrêts issued between 1672 and 1711, with, and above all, the Arrêt of Marly, established clearly the respective obligations of Seigneur and Censitaire. "Express enactments defined the exact nature and extent of the rights of the grantees of the Crown, and the obligations by them assumed upon their investiture with their several possessions." (Report of the Commission of 1843.)

The King reserved to himself the fealty and homage (*foi et hommage*) and the immunities it secures, as Lord Paramount. The Canadian Seigneur had the dominant property in the enfeoffed soil, comprising all the rights arising therefrom in virtue of the Custom, and of the Edicts and Arrêts, upon condition of managing and conceding on pain of forfeiture. The Censitaire had the occupation for his own use (*domaine utile*) of the soil, on condition of paying the customary rents and of settling thereon, on pain of forfeiture.

Matters were in this state—binding all parties, at the time of the Cession of Canada to the Crown of England, *preserving to the Canadian subjects all their institutions, laws, usages and customs*. The new Government, caring little for the happiness of its new subjects, and being desirous of gaining over the high families of the Country or replacing them by speculators, took no steps to maintain or cause to be respected the rights of the Censi-



taires ; and if, on various occasions, the authorities appeared to take the matter into consideration, their attention never went so far as to induce them to apply the slightest remedy. After the Conquest, therefore, a great number of the Seigniors began to make encroachments, and they have continued until now burthening the contracts with reserves and charges of every kind. In vain did the Censitaires pray that the Legislature would take their hardships into consideration. The Report of 1831 remained without being carried into effect ; the Address of the House of Assembly of 1824, praying " that the right of the subject to a concession of wild lands, subject to the *customary charges and conditions* might be preserved intact," was unheeded ; the proceedings between the years 1821 and 1836 were alike unsuccessful against the arbitrary will of the Government, and since 1763, the date of the first encroachments, the exaggerated pretensions of certain Seigniors have been protested against, and have been exercised in opposition to the will of the population of the Country.

I cannot conclude this brief sketch of the History of the Seigniorial Tenure in Canada, without quoting the touching representation made by the Censitaires of Lacolle, of the encroachments exercised to their detriment. "The original settlers in these Seigniories are what are termed in Canada West, *United Empire Loyalists*. They were persons, who from their devotion to the British Crown at the time of the Revolution in the American Colonies, and on the final settlement of the boundary between the American Republic and the present British American Colonies, left their all in the Republic and in a state of poverty betook themselves to the nearest British possessions. Thus they arrived at the Seigniorie de Beaujeu on the River Lacolle, now the Seigniorie of Lacolle, which was during the Revolutionary troubles and the uncertainty of their final issue, purchased for a mere trifle by Major General Christie, of the British Army, from Mr. De Beaujeu, the grantee of the Crown. At the time of the arrival of these unfortunate sufferers in the country, they found a large tract of the wilderness in the possession of the said General Christie, and in their then needy state, it was absolutely necessary that they should obtain lands for the support of their numerous families, without delay sufficient to enable them to inform themselves what the original conditions were, upon which the lands were held by the then possessor. Nor was it easy at that time (say sixty years ago) for persons of their condition to obtain such information, and believing from the exalted station of the individual, that he would not impose any burthens beyond his legal rights, they accepted the lands from him on his own conditions, and such as they and their descendants are convinced, he has no legal right to impose, being bound to them by contracts ; in all cases where the *Censitaires* have appealed to the Courts of Justice and pleaded the charter, the Courts have, invariably of late years, set the charter aside and condemned the contract, as if it were a voluntary one."—(Documents of the Commission of 1843.)

I may be permitted to remark that, at the same time that the United Empire Loyalists sacrificed to their loyalty the interests of their families, the French population who were not influenced by the same motives of attachment, rejected the offers of the New Republic, and that several years later, (in 1812,) they shed their blood on the frontier to defend the integrity of British territory. Under these circumstances, there is not a man of honour, throughout the extent of the Empire, who will not admit that Government is bound to make the most ample reparation for wrongs which unite the character of ingratitude with that of injustice.



### III

The first step to be taken for the settlement of the Seigniorial question, is to reduce the respective pretensions of the Seigniors and Censitaires to their fair value and set each in the positions assigned to them by the laws which guarantee the rights of the one party and the other ; happily this requires neither time nor trouble, for the altogether exceptionable position of Canada, as compared with that of the Districts in France governed by the customary law has had the effect, that every important question with reference to the Seigniorial Tenure has been decided in a clear and definite manner by the Edicts, Arrêts and Ordinances ; so that almost the sole remaining connection with the French feudal law is the use of the feudal language which gives a value to certain expressions as for instances the words *cens*, *banalité*. Let it be clearly understood that I only allude here to what has reference to the Concession of Lands and that I do not intend to speak of the application of the feudal law with respect to inheritance, succession, and other circumstances in civil life. In effect, the Crown granted to certain individuals as Seigniorial grants, lands of great extent, with the object emphatically expressed of settling them, and for the purpose of rendering the concession thereof to the people, both speedy and unattended with difficulty, thereby reserving the right to regulate and limit the extent of the privilege, according as the requirements of the Colony became apparent, and to resume the grant made in trust, as circumstances required, without by so doing committing an act of injustice, inasmuch as the management having ceased, there was no further consideration for the fees attached to it, "The Law of Canada," says our historian Mr. Garneau "at first only looked upon the Seignior in the light of a steward to Government." These concessions were generally made in preference to those who had rendered services to the state or distinguished themselves by their talents and energy.

This was effected as follows: the King held in reserve for the wants of the People, lands designated as the Royal Domain. In the distribution of these lands some sort of administrative system was required ; the King, reasonably presuming that in dispersing throughout the extent of a new country a number of intelligent and active men, charged to effect its settlement, in consideration of a certain profit accorded to them as the settlement advanced, appointed agents to whom he conceded land sufficient in extent for the foundation of a small colony ; he obliged them to settle thereon, and for this purpose these agents were permitted to select for themselves, each within the limits of his agency, a lot of land for their exclusive use (*origin of the private domain*). The King, being desirous of ensuring the obedience of his agents required them to present themselves from time to time to take an oath to that effect (*origin of the fealty and homage*). The King, anxious to watch over the settlement of the Country, and to obtain with ease all necessary information as to the progress of the colony required his agents to furnish him this information (*origin of the rent roll, aveu et dénombrement*). To prevent the interest established in favor of the agents in the property committed to their charge being used by them for purposes of speculation, the King ordained that in case of sale of the right of investiture he should be paid one fifth part of the purchase money (*origin of the quint.*) To prevent the agents from mal-administration by refusing to effect settlements, by selling or by exacting rates which might be too burthensome or prohibitory, the King required

them to concede to all, indiscriminately, at a rate universally made known (*origin of the obligation to concede at the customary charges without exacting any sum of money or other conditions*).

Mills for the grinding of grain having been found necessary for the maintenance of the Colony, and the settlers being too poor to erect them for themselves, the King required the agents to erect them, and to render this obligation less burthensome, he compelled the settler to make exclusive use of the mill connected with the agency to which he belonged, and to pay a fixed toll for its service, (*origin of banality*). The King, desirous of compensating his agents for the trouble and expenses required in this superintendence, permitted them to levy upon each settler benefited by such superintendence, an annual rate attached to each superficial arpent of conceded land; in affecting in this manner each arpent conceded, the King had a further object in view, which was to induce the settlers to concede only so much land as they could turn to advantage, (*origin of the rents*). The King, anxious to facilitate the management of his agents and induce the settlers to assume the sedentary habits of the husbandman, by discouraging frequent mutations obliged the tenants to pay to the agents one twelfth of the price of each sale of land (*origin of the cens bearing with them the right of lods et ventes*.)

Finally, to inspire the settlers with the respect which was due to those occupying an intermediate position between the King and his people, the Royal Acts addressed these agents as Seigniors, appointing them the dispensers of justice according to their capacities and to circumstances; this quality, in virtue of the Custom, invested with certain honorific (and sometimes lucrative) rights the individual upon whom it was conferred.

All the other rights claimed by certain Canadian Seigniors are encroachments, with the exception of the right of pre-emption or *Retrait Conventionnel*, which is properly speaking only a guarantee afforded by the Censitaire to the Seignior, of the good faith of his transactions, and which does not in itself constitute an immunity; unless it be pretended that it gives a right to the Seignior to select his Censitaires; a principle correct enough if applied to the European Lord of early history whose vassal was his man-at-arms, but which could not reasonably be applied in Canada.

From the thousand and one documents which testify to the correctness of the definition I have just given, I will only cite a few passages from the Arrêts of 1686 and 1711, or the Arrêts of Marly, from the ordinances of the 8th May and 16th November, 1727, and from the grant of the Seigniorship of the Lake of Two Mountains, which bears a special and privileged character, I will add a quotation from a letter by Messrs. Beauharnois and Hocquart, to the then Minister, it being in effect a commentary upon the grant to which I have just referred.

The Arrêt of 4th June, 1686, has reference to banality, and enacts as follows: "His Majesty the King sitting in Council, having been informed that most of the Seigniors who are proprietors of fiefs in New France, neglect to erect the banal mills necessary for the subsistence of the inhabitants of the said Country, and in order to remedy an evil so prejudicial to the welfare of the Colony, hath ordained and doth hereby ordain that all the Seigniors.....shall be bound to erect therein banal mills within one year after the publication of the present decree &c., &c."

It may be remarked here that a great difference exists between this right of banality or rather this obligation to build grist mills, and the pretended right to the unnavigable streams and water courses. Who wants the end wants the means; the Canadian Seigniors have undoubtedly the right within the limits of their fiefs to the possession of the water-power necessary to drive their banal mills, but all appropriation beyond that must be regarded as an encroachment; the proprietor whose land borders on the stream and who suffers inconvenience from the channel of a water course traversing



his property, should enjoy the advantages offered by nature in compensation ; the departure from this general principle in favor of the High Justiciaries of France brought about a state of things which has never existed here.

The Arret of 1711, dated at Marly, defines the obligations of the Seigneur towards the settler in the following terms : “ And His Majesty ordains that all the Seigniors in the “ said Country of New France shall concede to the settlers the lots of land which they may “ demand of them in their Seigniories, at a ground rent, and *without exacting from them* “ *any sum of money* as a consideration for such concessions ; otherwise and in default of “ their so doing, His Majesty permits the said settlers to demand the said lots of land from “ them by a formal summons, and in case of their refusal, to make application to the “ Governor and Lieutenant General and Intendant of the said Country, whom His Majesty “ enjoins to concede to the said settlers the lands demanded by them in the said Seigniories, “ *for the same dues as are laid* upon other lands in the said Seigniories, which dues shall “ be paid by the new settlers into the hands of the receiver of His Majesty’s domain, in “ the City of Quebec, without its being in the power of the Seigniors to claim from them “ any dues of any kind whatever, &c., &c.”

This act is the ratification of the Colonial Policy of the King of France, and suffices to prove that the Seigneur was not at liberty to sell at any price, however low it might be, and that on the contrary he was bound to concede, at the customary rates, because in substituting the Governors and Intendants for the refractory Seigneur, they are enjoined to conform to the ordinary rates. This provision respecting the *customary rents* springs as it were from the prohibition to sell and exact any sum of money as the price of concessions. “ Without a uniform rate” says Mr. Leblanc, “ the rule of concessions would be a mockery for this reason, that they might be evaded by a demand of rates so high that the Censitaire would be unable to accept them.” Mr. Badgley remarked before the Committee of 1851, “ It must be evident that a high money price for the lot or an “ exorbitant charge in the shape of rent, affect the matter in precisely the same manner.”

The following are the terms generally contained in the grants to the Seigniors, “ to the ordinary *cens, rentes*, and dues per arpent of land in front by forty in depth.” The nature of the privileges granted to the Seigniors, having been defined, we have now to examine their extent, by establishing the exact value of each of the rights of *cens et rentes, lods et ventes* and banality, the only rights we shall consider, they being the only ones they possessed after ceasing to hold the office of Justiciaries.

The Ordinance of 8th May, 1727, signed Dupuy, speaks incidentally of an Ordinance of Raudot which condemned the inhabitants to take out a new title from the Sieur Lev-rard, “ at the simple rate of 20 *sols* and a live capon for each arpent in front, by twenty in “ depth and six pence of *cens*, for the whole of the said concession.”

The Ordinance of 16th November in the same year, speaking of customary rates, enacts as follows : The King being desirous that in order to a more rapid settlement of the country, the Seigniors there should concede the lands at a low rate, there are hardly any lots of land which are conceded at more than one *sol* per superficial arpent and at one penny of *cens*, and that there are on the contrary a great number of lots of land which are conceded at sixpence per arpent, only, though covered with beautiful timber, the cutting of which is the first profit realized by the grantees. (It may be here remarked that this latter clause establishes that the reservation as to the cutting of timber, contained in contracts dated within a certain number of years back, is an extortion.)

In the Deed of Concession of the Seigniory of the Lake of Two Mountains to the gentlemen of the Seigniory of St. Sulpice, the *cens et rentes* are nominally fixed as follows ;—“ That they shall concede such lands at the mere rent of twenty *sols* and “ one capon for each arpent of land in front by forty in depth, and six-pence (*six deniers*)



"of *cens*, and they shall not mention in the said concessions any sum of money or any other charge except the mere rent."

Now, this grant having been made to a privileged order, subject to the onerous and exceptional condition of erecting a church and a fort, and of converting the Indians, must have authorised the exaction of the maximum of concession rates, and indeed we have proof of this conclusion in the letter written by Messrs. Beauharnois and Hocquart, the Governor and Intendant, at the time at which complaints were brought by the gentlemen of the Seigniorship of St. Sulpice, as to the obligation they were under to concede forty arpents in depth. "We are ignorant of the reasons which have determined His Majesty to establish in the patent of 1718, the depth of the concessions at forty arpents, and the amount of the *cens* and *rentes*."

"It was thought that his intentions would be followed out by inserting in the concessions of 1733 at the customary *cens*, *rentes* and *dues* per arpent of land in front, by forty in depth."

"The observations respecting the justice and equity of proportioning the *cens* and *dues* to the amount of the property which might be more valuable in one place than in another, is deserving of consideration; and it appears to us that His Majesty may be satisfied by only inserting in the new patent the words, "at the customary *cens*, *rentes* and *dues* per arpent of land."

"This vague expression will allow the gentlemen of the Seigniorship the liberty to concede a greater or less depth, and at a larger or smaller amount of *cens et rentes*, in proportion to the extent and value of the lots conceded, and as the usages differ in almost every Seigniorship, the term *customary* only denies to the ecclesiastics the right of making their ordinary concessions less than twenty arpents in depth and of exacting higher rents than twenty sols for every twenty arpents in superficies, and one capon or its equivalent in corn. With respect to the *cens* it is a very moderate charge, which is supposed to be established only as an acknowledgment of direct Seigniorship, bearing with it *lods et ventes*; the customary amount in Canada is from six-pence to one sol per arpent in front, by the entire depth of each concession whatever that depth may be."

"The declaration in the Memorial, that the Seigniors in Canada as everywhere else, have the right to concede *à cens et à rentes* such quantities of land at such charges as they may think proper, is not correct as regards the charges, the constant practice being to concede at the rate above stated, and still more frequently at a lower rate. If the alleged liberty really existed, it might be greatly abused, in causing the concessions which ought to be *quasi gratuits* to become regular Deeds of sale."—(This letter bears date 6th October, 1734.)

From all the preceding statements, valuing the capons of that time at 15 sols (Mr. Raudot said the capons were only worth 10 sols in 1707,) it is evident that the maximum of all the dues never amounted to the sum of 2 sols before the Arrêt of Marly and the Ordinances of 1727, which are now in force. "Notwithstanding these different modes in which the wheat rent was made payable, it is a remarkable fact, that on a just calculation, the result will be found the same, and the highest rate of concession in the District of Montreal, previous to the Conquest, will be found not to exceed one penny for every superficial arpent, valuing the wheat at one shilling and eight pence per bushel.—(Commission of 1843.)

"The customary rates of which mention is made in the Arrêt of Marly, were well known in the Colony, and did not exceed one sol per superficial arpent, and half a bushel of wheat, or a capon and one sou of *cens* for every arpent of frontage.—(Attorney General Drummond.)

With respect to the amount of the *lods et ventes*, no dispute on this subject has ever taken place, it consists of one-twelfth of the purchase money. The mill-toll for grinding is also universally admitted, being absolutely fixed at one-fourteenth.

#### IV.

A number of the Seigniors, in answer to what I have just established, to wit : *The obligation on the part of the Seigniors to concede at the customary rates, fixed at the maximum of two sous per superficial arpent, without the right of exacting any sum of money or any other condition*, and in support of the additional charges of which they claim the payment, set up the following pretensions.

1st. That the Canadian Seigniors are the exclusive and incommutable proprietors of the feudal soil.

2nd. That the French laws are no longer the laws of the Country.

3rd. That the additional Seigniorial charges are matters of private agreement between the parties.

4th. That the decisions of the Courts of Justice have irrevocably established the jurisprudence in their favor.

The proposition that the proprietors of fiefs are exclusive masters of the soil, is the reverse of common sense, and would not even have held good if applied to the great European vassals, whose property was deficient, says M. Guizot, "in that complete independence which is in the present day the great characteristic of real property." An assertion such as this is simply painful to those who honestly and without subterfuge desire an honorable settlement of this question, nor should I have referred to it if similar arguments had not drawn from those who had urged them, an avowal which resolves the question of settlement of the amount of the dues in the Seigniories in which the law has been trodden under foot; these are the terms of the admission : "If the Seigniors were originally merely trustees, bound to concede at low charges and reserves, it may follow that only a moderate degree of mercy should be dealt out to them. (Address on behalf of certain proprietors of Seigniories in Lower Canada 1853.)

I leave to the impartial reader to compare this admission with the laws above cited and I adopt the conclusions they may draw from the examination.

The second argument which goes to maintain that the French laws, as regards the Seigniorial Tenure, are no longer the laws of the country, should be considered a candid admission of the fact that these laws do not defend what the Commissioners of 1843 style "the exorbitant pretensions of the Seigniors." We have now to show that these laws are in 1854 the laws of the land.

No one has ever ventured to deny that at the period of the Conquest, the French laws were the only laws then in force throughout the whole extent of Canada : now by the terms of the Capitulation and the Imperial Act of 1774, all the existing laws at the date of the Conquest are declared to be the laws of the country. In a word, what is the Seigniorial Tenure in Canada, but a system constituted and considered by French titles customs, edicts and decrees ? and if the Seigniors had been held by the law and the English authorities to be relieved from obedience to the ancient laws in consequence of their not being in use, would the Imperial Parliament have passed a law in favor of the Seigniors, giving to them the right of redeeming themselves from their obligations to the Crown and the inhabitants of the country, as they did by the Acts known as the Tenures Acts (3 George 4th ch 119 and 6 George 4th ch 59.) "The edict of the 6th July 1711, is still in full force" said the Attorney General in 1794. The House of Assembly of Lower



Canada in 1828 declared, that the rights of the inhabitants of Lower Canada with respect to the Tenure, are guaranteed by the terms of the capitulation of the Colony and by an Act of Parliament passed in the fourteenth year of the Reign of His Majesty George III (1774.)”

The Commissioners of 1843, after having cited all the French laws, say, “Such was “the law of the country at the period of the conquest, and it still remains in all its force “and vigor.”

Mme. Taché, Seignioress of Kamouraska, in answer to the Commission of 1848, says, “Both my predecessors and myself have, as far as I can judge, been guided in the concession of lands by the arrêt of the Conseil d’Etat of His Most Christian Majesty, bearing date 6th July, 1711, as regards all the conditions of the concessions.” Moreover, in that Seignior, and in a large number of others, the *cens et rentes* exacted are far below two *sous* per superficial arpent, and will not the Seigniors who have acted in conformity, to the laws and to the moral obligations which it imposes, be an obstacle to the solution of the question.

We now come to the proposition that the additional conditions in the concessions are matters of private agreement, and guaranteed by contract between the parties. A contract made in contravention of a formal law is not a contract, and this maxim applies more specially to those species of transactions which affect the ground-work of society, family rights and property. *A stipulation entered into in contravention of public law, is not valid.* More especially does this apply in the present case, when one of the parties has reaped profit from the misfortunes consequent upon conquest, political struggles, advantages of superior education, position on the Bench and in the Legislature, and from the weakness and poverty of the other party.

Viewed even in the light of private transactions, these contracts are *pleno jure* null on the face of them. “The validity of every contract depends on four conditions, consent, capacity to contract, an object the substance of the contract, and a lawful cause for the obligation.” Does consent exist on the part of the settlers who have in vain striven by every possible means to release themselves from these acts of encroachment? Was the unfortunate head of a family free who, abandoned by his only protector, the Government had to choose between misery or banishment and the contract that was offered to him? Did the capacity to make the contract exist on the part of the Seignior when he sold a portion of a property which did not belong to him, and which did in fact belong to the purchaser? Was there a lawful cause of obligation when the Seignior, like an unfaithful steward, failed in the trust reposed in him? When, regardless of his oath of fealty and homage, he trod under foot the commands of his Sovereign, turning to his own profit the property of the people, and cast the heaviest obstacles in the way of the advancement of his country? The fraud is clearly palpable, and in certain cases is accompanied by a profligacy denoting long premeditation. “We cannot overlook,” say the Commissioners of 1843, “a stratagem of which some Seigniors, as we are informed, “have availed themselves to elude the law prohibiting sale by the Seignior of uncleared “lands, or their concession for rent with an additional *bonus*. The mode of proceeding “to obtain this object is by making a fictitious concession to an agent or friend, who forth- “with sells the land and pays the price to the Seignior.”

I could cite contracts calculated to make one blush, but it is not my design to excite the passions, and I implore the Censitaires to be meek and calm, as is the duty of a citizen who, confident in the justice of his cause, feels that his duty is performed. There are, moreover, a number of Seigniors whose conduct commands respect, and also a number in whose behalf circumstances and human weakness must be invoked. Let us blot out the past—a grievance which has ceased is speedily forgotten.



I cannot abandon this subject without citing the opinion of the Attorney General in 1794, addressed to Lord Dorchester ; speaking of recourse to the Courts of Justice, he says, "the enormous expenses attending an appeal to His Majesty in Council, to which the Seigneur is entitled, deprives the Censitaires of the possibility of obtaining justice and compels them to abandon their rights, and throw themselves upon the mercy of their Seigneur, who compromises the action and grants a new deed of concession upon his own terms." Notwithstanding the reserve, I may say the timidity of the Commissioners of 1843, with respect to a subject of such delicacy, they nevertheless express their opinion in these words. "These transactions may be considered obligatory against the tenant unless they "are repugnant to some Edict, Arrêt or Ordinance."

It must not be forgotten that for a long period of time, in consequence of the want of public means of communication and the topographical character of the Country the Seigniorial soil was the only land accessible to the settlers. The lands in free and common soccage were then granted only in extensive tracts to favorites of Government, and it is plainly this circumstance which at the present time creates such difficulties in the Eastern Townships and shows that rushing from one system to the other would be shunning Charybdis only to split upon Scylla.

The last proposition they lay down is, that the Courts of Justice have established the jurisprudence so as effectually to legalise contracts between Seigneur and Censitaire. In the first place I deny the fact that the decisions of the Courts, with the exception of two, have a character sufficiently important to give, to them the authority which belonged before the conquest to the Ordinances of the Intendants, inasmuch as these tribunals affected a want of jurisdiction in legal matters, and founded their decisions only with respect to the contracts between the parties without reference to any land. These decisions were so expressed as to declare that the contracts produced, bound the parties thereto inasmuch as the Court was not judicially in possession of any Law as to the subject matters of the transactions under their notice. As may clearly be perceived, it is a very slender subtility to rest upon, but to those who are well versed in the history of the times and the composition of the Courts of Justice at that period, nothing will appear extraordinary. Much might be said with respect to these decisions, but it is difficult to discuss this subject without wanting in the respect which the position of the dispenser of Justice must inspire. Silence should as much as possible be preserved with respect to the errors of the Judge, because their publication compromises in the eyes of the people the saintly character of the order of which he is the high priest.

These decisions, moreover, can have no weight in opposition to the terms of the law. *Ad summum non exemplis, sed legibus judicandum.* "And," as Ferrière says, "these decisions are only presumptions of law, of which dishonorable practitioners make use to overturn the principles and elude the provisions of the laws."

I have before stated that two of the Judgments rendered are exceptions to the others; these are, a Judgment of the Military Council held at Montreal in 1762, Colonel Haldimand presiding. The case was an Appeal instituted by the Sieur Le Duc, Seigneur of Isle Perrot, from the decision of a Militia Court at Pointe Claire, in favor of Joseph Hénaut, Censitaire. The Judgment in Appeal concluded as follows:—"The parties having been "heard, the Council, convinced that the clause attached to the said Contract obliging the "tenant (Hénaut) to furnish annually half a bushel of wheat and ten sous per arpent, is a "notarial error, the customary charge for concessions in that part of the Country being "the payment of one sou for every superficial arpent of land and half a bushel of corn "for every arpent in front by twenty arpents in depth, ordains that hereafter the *rentes* "of the land in question shall be paid at the rate of fifty-four sous in money, and one "minot and a half of wheat in each year."

It is plain that the Council considered any addition in the amount of the *cens et rentes* as an innovation so incredible, that they preferred attributing it to an error on the part of the notary than to any premeditated intention of encroachment on the part of the Seigneur, notwithstanding his appeal from the former Judgment.

The other decision was given in 1828, and was rendered by Justices Reid, Foucher and Uniacke in the case of *Grey vs. McCallum*. This decision has reference to the obligation to concede, and establishes that "Every subject of His Majesty has a right to demand "and obtain from any Seigneur possessing wild and unconceded lands in his Seigniory, a lot "or a concession of a portion of the said wild and unconceded lands, to be by every such "subject, his heirs and assigns, held and possessed as *their own property for ever*, subject "to the condition of cultivating and improving the said wild lands, and of paying to each "Seigneur the *reasonable customary and ordinary rents, dues and acknowledgments*, "which, by virtue of the feudal tenure in force in this Province, ought to be paid, &c., &c." The Court therefore compelled the Seigneur to concede.

With respect to the allegation that the *rentes* have never been established at a certain amount in Canada, it is so far correct that they have varied, without ceasing to be legal, from half a *sol* to two *sous*; this circumstance was even noticed by several persons, unacquainted with the history of the tenure, at the time of the debate on the Drummond bill. "This rate," said Mr. Brown, "never exceeded two sols before the Conquest, "and I am surprised to see that the Attorney General is desirous of raising it to four sous."

It has been pretended that *cens et rentes* at a maximum scale of two *sous*, was a lower scale than that to which the Seigneur was entitled, because the value of money has diminished and that of wheat has increased. The Canadian Seigneur would be an exception to any portion of the creation, were he permitted thus to profit at the same time by the reduction in the value of money and the increase in the value of grain; one of these arguments would have been sufficient, for it is evident that the wheat and the capons only exactly represent one half *sol* per arpent, (*one capon or the equivalent in wheat*), and that this payment in produce was only stipulated for the benefit of the Censitaire in a Country in which money was scarce. "It seems to me," says the Intendant Raudot, "that in every "alternative payment, the payer has the benefit of the choice." Besides the perpetual nature of Seigniorial rates, which survive the attainment of their desired object, namely, the settlement of the Country, makes it a matter of privilege,—now a privilege is settled in its nature, and the Seigniors avail themselves of this in the payment of *lods et ventes* upon the increasing value of the lands, and they do so with reason. In France, the State never would permit an increase in the rate of real payments upon any pretext. Justinian decreed "That every settler from whom his master shall exact more than the rate that was customary and which had been paid at former periods, shall apply to the first Judge that he may meet, and prove the fact, in order that the master, convicted of so doing, may be prevented from so exacting thereafter more than he was in the habit of receiving, *and be compelled to restore what he shall have extorted by such increased demand*."

Before bringing this chapter to a conclusion, I ought, in justice to the cause and to the obligation under which I am to investigate all the remote and hidden difficulties of the question, to make a remark which applies to but a few of the Seigniors, some of whom unfortunately are not of the number of those who have exceeded their rights; it is this, that in fact, some of the proprietors of Seigniories, do not regret the anti-feudal agitation and the difficulties of the question; knowing as they do that some settlement must be arrived at, they designedly exaggerate their claims, so as to provide for other final reductions without in the end giving up a good speculation.

I will only cite one instance taken from the communications sent in to the Commission in 1843. A Seigneur who gives his name and those of his Seigniories, de-



clares, that these Seigniories brought him in £250 for the years then last past ; in that part of the letter in which he gives his opinion as to a measure of commutation and the indemnity to be paid to the Seigniors, he says : “ fifteen shillings per acre, as an average, may thus be considered an *adequate* indemnity for the forfeiture of Seigniorial rights.” The Seigniories referred to extend over more than 50,000 acres, and are in the possession of the Seignior, so that in round numbers we find—

Present value of Seigniories referred to.....	\$17,000
Indemnity required by the Proprietor.....	\$150,000

The above figures need no comment ; the object is evident.

## V

As it would be vain to labour at a plan of commutation and to render an account to one's self of one's labours, without possessing the necessary statistics, I have been obliged to supply the absence of such information, and to fill up a gap which should long ere this have been filled up by government. I give below the general result of my researches. In an appendix annexed to this sketch will be found details calculated to enable one to judge of the correctness of the numbers obtained.

The total number of concessions made to proprietors of fiefs and unrevoked, throughout the whole extent of Lower Canada, is.....	252
The number of distinct Seigniories may be put down at.....	220
And by reducing this number in order to obtain an average of about six superficial leagues of inhabited Seigniories only, to.....	156
The total number of proprietors of fiefs or Seigniories, and of portions of Seigniories, as co-proprietors is, about.....	160
Of this number there are about 15 proprietors possessing 100,000 arpents or more ; about 100 proprietors of fiefs containing a superficies of 28,000 to 100,000 arpents, and about 45 proprietors of parts of a less superficies than 28,000 arpents taken together.	
The total number of censitaires is.....	71,751
(See Appendix Table No. 3.)	
And the average number of arpents possessed by each censitaire, is.....	90
The total superficies in arpents of the land originally held in Seignioriy, is...	12,822,503
(See Appendix Table No. 1.)	
The number of arpents in fiefs commuted in free and common soccage.....	1,039,012
(See Table No. 2, and remarks.)	
Superficial extent in arpents of fiefs held by the Crown.....	1,143,553
(See Table No. 2.)	
The superficial extent of the uninhabited fiefs, is.....	3,409,056
(See Table No. 2.)	
The total superficial extent of the inhabited Seigniories not including those held by the Crown is.....	7,230,877
Property conceded in censive and at present occupied throughout Lower Canada, covers a superficial extent in arpents of.....	6,523,101
Of which the number of arpents under cultivation is .....	3,154,802
And in forest land .....	3,368,299
(See Table No. 3.)	



Out of the whole number of arpents conceded in censive the Crown possesses as proprietor dominant, in arpents.....	581,754
The remainder, possessed by individuals, is.....	5,941,347
The number of arpents of lands unoccupied in the fiefs of the Crown, is....	561,804
(See Table No. 3, and remarks.)	

The grand total, at the maximum amount, of the capital due by all the censitaires, other than those of the Crown, is without calculating the fractions.....	£825,166
This Capital is represented by the Annual Revenue of the <i>cens et rentes</i> at the maximum rate of 2 sols per arpent, amounting to.....	£24,755
And the Revenue of <i>lods et ventes</i> at 2 sols per arpent amounting to.....	£24,755
(See Tables Nos. 7, 8, and 9, with the remarks.)	

The same charges due by the Censitaires of the Crown amount to £4,847 representing a capital for commutation, of.....	£80,783
This total value of the conceded Seigniories is increased by the following items:—Total value of the mills.....	431,232
Value of the private farms and domains, say.....	312,000
Future value of the concession or commutation of lands still unoccupied, established hereafter.	

(See Tables Nos. 3 and 7, and remarks.)

The absolute value of the Seigniories as here established is diminished when they are sold, on account of the obligation of the purchaser to pay the quint, and in the productive value, on account of its difficult and scattered collection.

The preceding calculations will all be made use of farther on ; I pass now to the consideration of the different details of the schemes of Commutation that have been proposed

## VI.

EVERY scheme of commutation contains three principal divisions, 1st. The object of commutation ; 2nd. The mode of carrying it out, and 3rd. The period of redemption.

In the establishment of the dues subject to commutation, it appears to be the general opinion that two subjects alone are liable to redemption, the *cens et rentes* taken as a whole, and the *lods et ventes*. With respect to banality, it is evident that it was only introduced for the benefit of the Censitaire, and that the obligation imposed upon the latter by law, was only so done, to place the Seignior in a position to satisfy the wants of the settlement, and I consider it evident, that the abolition of the right of banality and the establishment of competition, were competition possible, will have the effect of increasing the price of grinding and raising it to the rates usual in Upper Canada and the United States, at all events in one part of the District of Montreal, in the localities where water power is rarely obtained.

As regards the Seignior, he could lose nothing by the abolition of this right, for the simple practical reason, that wherever mills could be placed in situations advantageous to their working, the Seignior has already done so, and that the places in which the Seignior has not erected mills, are places in which mills have but a poor chance of proving productive. To pay attention to this subject would be to hamper to no purpose a measure, the simplicity of which should be its chief merit.

The fixing of the quantum of the *cens et rentes* has divided the persons who have paid attention to the matter, into three classes. The first, which is composed of a certain number of Seigniors determined to give up no part of the encroachments they have made, desires that the *cens* and the *rentes* should be taken and made redeemable according to the terms of the contracts of concession, without regard to circumstances, the nature of the obligations, the protestations of the Country or the provisions of the Law. This class I have already answered, and the Country has done so before me. The second class would raise the *rente* to four *sous* the arpent by way of compromise *ad duritiam cordis*; but inasmuch as it is a difficult matter to impose upon the people of the Country, and for reasons of this nature, an impost that these reasons do not justify, they allege the increase of the value of the dues paid in produce and the diminution in value of the dues paid in money; I have already in a previous chapter shown that if one of these arguments were favorable, the other was equally in opposition to the proposition. To what I have already said on this subject I may add, that the Censitaire farmer, as the head of a family and a good citizen, ought to allow no addition to the dues, nor permit a flagrant violation of the provisions of an established law to triumph and be rewarded to the prejudice of his descendants, nor should he allow the fact to be witnessed, that proprietors under the same title and under the influence of the same law, receive, one, the legal commutation money, and another, a usurious sum. I respect the opinion of those who, not being interested in the matter, have defended this scheme with a view to settle the question, and on the principle that even this would afford relief to a great number of Censitaires; but I cannot possibly adopt these sentiments, nor can I feel any pretext for saying to the Seignior and to the Censitaire, "you who are only entitled to two *sols*, shall receive four, and you who only owe two *sols* at the very most, must nevertheless pay two more!" Amongst those who advocate the complete carrying out of the law, and the establishment of the amount of the *cens et rentes* at the maximum of two *sols*, I reckon myself, and with them form the third class.

Many methods have been proposed for establishing the value of the casual rights of *lods et ventes*, which may be reduced, apart from their details, to the three following plans, namely:

1st. To have it permanently established, that the *lod* or the twelfth part of the value of the Seigniorial soil, shall be the capital of the redemption for the commutation of the rights of *lods et ventes*.

2nd. To establish a scale of reduction by which it should be established, in proportion to the value of the property, that  $\frac{1}{16}$  or  $\frac{1}{10}$  of such value (or another proportion on the same principle), should be the capital for redemption.

3rd. To establish the real average value of the profits arising from *lods et ventes*, and turn this revenue into capital at the rate of six per cent. to obtain the amount to be commuted.

Let us examine into the intrinsic merit of each of these three modes of valuation, before discussing their practical application. In order to render the payment of one-twelfth of the entire value of the property held under the tenure, a just one as regards the Censitaire, it would require that the annual revenue produced by the *lods et ventes* should be the interest of the capital so formed of the twelfth part of the total value of the lands, and that the entire property with its whole value should change hands every seventeen years. This latter condition is evidently impossible, and its assertion appears simply absurd to any one who has paid the very least attention to public economy, and becomes still more so to an observer endowed with ordinary intelligence, who, casting his eyes around him, reflects on the changes which take place in property. Such a system of change were it possible, would be more dangerous to society than war, fire or pestilence. On this subject



I would refer to tables Nos. 7, 8 and 9, and to the calculations which follow them ; to make this scheme evident, and more plain, let us reduce it to figures. The whole extent of conceded lands is 6,523,101 arpents ; the lowest average value that can be affixed to the property is £2 10s. an arpent making the entire value amount to £16,307,752, the twelfth of which is £1,358,979, and this sum, following the plan in question, would be the Capital represented by the *lods et ventes*. Upon this principle a Seignior's nine leagues in superficies, would be worth on account of the *lods et ventes* alone, the sum in round numbers of £13,300, which is very nearly the real total value of the greater number of the Seignior's of that extent, including *cens et rentes*, *lods et ventes*, private domains and Mills.

The second plan proposed for establishing the amount of the rights of *lods et ventes* into a principal redeemable in a proportionate scale, must be allowed to be correct in the abstract, on condition however, that it be based, as to its amount, on the real value of such capital. This plan, first proposed by the Honorable Judge Reid in 1843, and subsequently by the Honorable Mr. Badgley in 1851 is founded on the principle, that real estate changes hands at average periods of time, varying according to the value of the properties, in other words, that, of a small property or estate of small value, adds more to the casual revenues derived from the *lods et ventes*, than property of great value. Judge Reid proposed in contradiction of this fact but in accordance with the general principle of progressive taxation, a progressive scale increasing with the value of the property, and Mr. Badgley a decreasing scale based on the fact above set out. The limits of the apportionment in Mr. Reid's scheme varied between the tenth and the sixteenth of the real value of the property, and in Mr. Badgley's between the eighth and tenth. Whatever merit this mode may possess, without reference to the fixed sums, as a matter of calculation and valuation, it is too difficult of application, to be ever generally put into practice in a new country, and by a people accustomed to voluntary contribution and to an equal division of labor without regard to the wealth of individuals or the extent of their obligation ; a domestic and rural life yet forms too prevailing a feature in our national characteristics, to admit of the sudden introducing of the application of the great theorems of modern public economy in the settlement of such a question.

To establish the fixed real annual value of the product of the *lods et ventes*, is then the only plan which remains. Every one now seems to hold the same views as to the adoption of this principle ; opinions differ only as to the means by which the knowledge of this value is to be arrived at. Some propose to take rigorous proceedings, similar to those which would be taken in a lawsuit before a Court of Justice, and in the supposition that the object is indeterminate ; others conceive that it would be more advisable to settle the question by compromise, and to appoint the Legislature of the Country as *amiable compositeur* and arbitrator between the parties.

Before proceeding with the examination of these two opinions, I would remark, that the opposition made to the settlement of the question by the Legislative authorities without the direct intervention of the parties, is due to a very small number of Seigniors, and that such an opposition is not calculated to create astonishment. Humanity has never made one step in the way of progress, without being embarrassed by the opposition of privilege or prejudice ; and such opposition does not always spring from real damage to private interests, but more generally from the fear produced by ignorance or idleness, the result of inaction. In the present instance, there are Seigniors who will oppose every attempt at settlement, and yet, in a pecuniary point of view, have everything to gain by any change whatsoever.

The rigorous proceeding to which I have before referred, requires on the part of the Seignior, proof of the extent of his rights ; on the part of the *censitaire*, consideration of



the evidence and in case of difference of opinion, testimony in rebuttal ; it requires, on the part of the authorities the hearing of the parties and judgment on the merits, the judgment to include and establish the relative extents of their respective obligations.

The only way, according to this system, of establishing the amount of the revenue of the *lods et ventes*, and of determining it so that it should form the basis of a just average, is to compel the Seigneur according to his obligations to make up his rent-roll, and to render the *aveu et dénombrement* for a period, let us say with the Convention at Montreal, of ten years. This *aveu et dénombrement* is nothing more than an abstract or exact compilation of the Seigneur's books.

It is not to be wondered at that the Seigniors object to this *aveu et dénombrement*, for it is evident that in each of the inhabited Seigniories, it involves an average expense of more than a hundred pounds, as will be admitted by every business man, when he considers that to draw up the *dénombrement* in all its details, it is necessary to bring up most minutely books with four or five hundred entries, kept for a period of ten years ; this would be imposing a tax upon the Seigniors collectively, of about £20,000, and entail upon feudal proprietors who have not objected to nor opposed a settlement, the payment of the costs arising from the factious opposition of a small minority of the body. Besides the pecuniary expenditure this *dénombrement* would entail upon the Seigneur, considerable time would be wasted in the settlement of the question.

Let us however suppose the Seigneur to have furnished the statement required, it cannot be admitted as proof without giving the *censitaire* leave to investigate its correctness and to contest it, if need be. That being done, there is yet more to be said ; the proofs must be submitted to competent authority which shall decide as to their respective weight, and establish the value of the property so as to apportion upon each estate the value of the dues thus settled. If, profiting by the experience acquired by this mode of settlement by arbitrators and Commissioners, we consider the enormous expense, the endless delay, the continual warring of interests which it creates, maintains and perpetuates, we can arrive at but one conclusion, which is to declare such a system utterly impossible.

Nothing remains then but to adopt the system of compromise, and let us commence by asserting that a measure of such importance should be honestly discussed, and that in its discussion we should not bring up the fine drawn argument of an advocate thrown upon his last resources. There is nothing new in the question, there is no mystery in it, its extent is not so vast that we lose ourselves in endeavouring to explore it, and we are in possession of sufficient information to enable us to establish *a priori*, a mean or maximum of the value of the revenues of the Seigniories. It is a fact, that the farther we advance in the study of the question, its difficulties vanish, and we begin to perceive that by simplifying and generalizing, we arrive little by little and without any effort, at a result which it was impossible to foresee, and difficult even to aim at when beginning our researches. The form of compromise being the one I adopt as the means of settling casual rights, I shall return to the subject. I now proceed to examine the plans proposed to effect the redemption.

I can only see two means ; that projected in the scheme of the Montreal Convention, and that of which Mr. Archambault's plan is the model.

Before proceeding to investigate the details of the plan of Commutation submitted by the Montreal Convention, I deem it but justice to myself to state the fact, that the results of the memorable labors of this Convention, as to the principal point, are in perfect accordance with the basis of the proposition I have invariably laid down, namely: "That it is reasonable, and just to say, that the interest upon the Seigniorial capital being paid by the *censitaires* for five and twenty years, the payment of the redemption annuity ought to be made by society (represented by Government) for whose benefit commutation has taken

place; on the principle that the erection of a capital out of the casual dues of *lods et ventes*, renders obligatory on the part of the censitaire, the payment of a charge which at the present time is only optional.

To carry out the redemption, the scheme under our notice proposes the issuing of Provincial Debentures. A financial transaction of this nature cannot be deemed inexpedient, when a new engagement is being entered into, some negotiation being again set on foot, or when banking institutions are being treated with; that are in a position to judge of the value of the property offered to them; but it is inadmissible when the object is to settle with a multitude of individuals for clear and established rights, their own property; because these debentures are, in the money market, nothing but a species of property which most generally loses its nominal value, which has, in a word, no fixed value. In the present case you cannot compel the Seigniors to accept these debentures, without guaranteeing to them, that in the event of negotiation they will always be able to obtain their full value for them. Now I would ask, what else would be the effect of such a guarantee, but to subject the Country to fraud and stock jobbing, and force upon us on a small scale, a period similar to that which in England preceded the dethronement in public opinion of Mr. Hudson the Railway King, and which event caused a writer in the Illustrated London News to remark: "*Mr. Hudson is neither better nor worse than the morality of 1845.*" There is moreover another reason against the adoption of this system, the same reason for which the Legislature of last Session rejected the application of the North Shore Railway Company, for the Provincial guarantee, namely, that our present obligations to the creditors of the Province, bind us to enter into no further bonds of this description, and under the circumstances, it would be impossible to obtain this demand from Government or from the Legislature, were it in itself reasonable. The Legislature might indeed engage to set apart annually from the Consolidated Revenue Fund which now amounts to a million, a certain sum out of what remains, after payment of the general expenses, the interest upon our debt and the annual payment to the sinking fund, but it cannot for the present contract obligations of another nature. To this argument it may be replied, that the credit of the Province could not be involved by making these debentures merely Municipal Debentures, but in this juncture, a fall below par in their value might forthwith be anticipated.

The issue of debentures would have the further effect of compelling the inhabitants of the Country, to pay the enormous expenses of the valuations and assessments, and would oblige them to pay the cost of a collection, to which the Seignior is subject alike with every other proprietor, and more so indeed, inasmuch as the administration has been entrusted to him, by the spirit even of the tenure under which he holds. It is well known, however, that the collection made for the public revenue, is more expensive than that made by individuals; the same objections that I have urged against the system of arbitrators and commissions, all apply to this mode of collection, which is on no account essential. For this reason it was, that the minority in the Convention at Montreal voted against the scheme adopted by the majority, and which determined Mr. Archambault to publish his plan, which permits the Seignior to collect directly as he now does, the annual amount of the dues. Let us suppose the collection made by the Municipalities, as proposed by the Montreal Convention, including losses, to cost twenty per cent; it is evident that the price of commutation being in round numbers £900,000, the censitaires will pay the Seigniors £900,000 if the payment be made directly, otherwise, the same censitaires would be obliged to pay £1,080,000 by the system proposed by the Montreal Convention.

As regards the period of commutation, no great difference of opinion appears to exist. The period of 25 years has been generally fixed upon, as calculated to meet all opposing interests; a shorter period would put the censitaire and the Government to inconvenience,



and a greater length of time would tend to make the commutation instalment too insignificant a fraction of the capital for the Seigneur.

I have examined with attention the numerous plans of settlement of the Seigniorial question, including those which have been drawn up with a view to a declaratory law, and those which have reference to immediate commutation. All these works have served to develop the question by presenting it in every aspect and under every circumstance. From the study of these documents I draw the three following propositions: 1st, That there is no means of retarding immediate commutation; 2nd, That any plan of commutation, to be successful, must repudiate the system of individualising, and be carried out by general measures; 3rd, That the scheme of effecting it by commissions, arbitrations and assessments is the most expensive to all parties, the most tedious and the most productive of strife.

At the point at which the anti-Seigniorial agitation has arrived, any measure which does not provide for immediate commutation upon an equitable basis, will only serve to retard the settlement of the question, and to keep the Country in a state of ferment by giving to the censitaires hopes which cannot be realized, and which are often unjust in themselves, by inflaming the appetites of certain Seigniors anxious to speculate upon the difficulty and delay. It is an ascertained fact, for instance, that the Bill of last Session, which happily did not become law, containing as it did a clause raising the maximum of the *rente* to four *sols*, has sharpened the appetite of some Seigniors who had hitherto been restrained within the limits of the law, and who took advantage of this declaration, to raise the amount of *rentes* in their new concessions.

It is clear that all ideas of perfection in a plan of commutation should tend to the simplification of the details. No scheme can ever be made to embrace each individual case, and if every one is desirous of including in the law all the little exigencies of individuals and localities, or to provide for every isolated case, nothing but confusion will ever be attained.

That it is expedient to endeavour to dispense with all the incidental expenses of arbitrations and assessments, is a fact that every one will admit. The experience of every Country proves the truth of this proposition. In England, when the amount of indemnity for entering upon property in Railway matters, had to be determined, the Companies, by the advice of the most eminent business men, consented to all kinds of sacrifices rather than have recourse to arbitration, and in Canada, whenever the Government or Railway Companies have had recourse to arbitration, the result has exemplified the truth of the old French adage, and "that the worst possible settlement is better than the best lawsuit."

In the consideration of this question it is important not to lose sight of one thing, I refer to the effect that commutation would have on the privileges of third parties; all the hypothecary creditors of the censitaires have an undoubted right to exact, that no radical change shall take place in the position which the law guarantees to them, as regards their debtors, for it is evident that if the property were charged with the payment of a privileged capital in lieu and stead of an annual rent immutable in its nature, the present securities of a great number of creditors would be destroyed; and it must not be forgotten that in the organization of society the laws which govern capital are not in perfect accordance with the natural laws of labour, and that in agricultural labours especially, a person might pay a rent of six pounds every year of his life, and yet, perhaps could never manage to pay the capital sum of one hundred pounds, which represents this sum at our rate of interest. Upon this principle and in accordance with what I have already laid down with reference to forming a capital of the *lods et ventes*, and the fact that public interest is the object of commutation, I maintain that the State should interfere, and in strict justice contribute something at all events to the commutation money.

I proceed to give the following plan of commutation in the form of a Bill, which will be followed by explanatory observations.



PLAN  
OF AN  
ACT OF COMMUTATION  
OF THE  
SEIGNIORIAL RIGHTS.

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VII.

PREAMBLE.

I. Whereas the Seigniorial Tenure was only introduced into Canada in order to facilitate the settlement of the Country, and whereas the continuance of this system of settlement has ceased to be necessary, and to advance the interests of the people of this Province, it has become necessary for the public advantage, to provide for the complete abolition of the Seigniorial Tenure ; be it therefore enacted as follows :

EXPROPRIATION.

II. That immediately after the passing of this law, the feudal and Seigniorial Tenure shall be abolished, with all the honorific and lucrative rights or dues created by them, by, in favor of or against any class of inhabitants of this Province, or in favor of the Crown represented by the Government of Canada, and all lands subject to the *censive* shall come under the action of the tenure in freehold.

III. That all edicts, decrees, ordinances, acts, customs, agreements and stipulations, relative to the tenure in *fief* and Seigniorly, shall, from the date of the passing of this Act, cease to have any force and effect in this Province, and they are hereby abrogated and repealed.

IV. That proprietors in *censive* are hereby relieved for the future, from the payment of any obligations to the dominant proprietors, and all unconceded lands throughout the extent of the fiefs and Seigniories, shall henceforth be re-united to the domain of the Crown.

INDEMNIFICATION.

V. That the expropriation decreed as aforesaid, for the purposes above stated, shall be effected, as regards conceded lands, upon the following conditions of indemnification in favor of the proprietors of fiefs and Seigniories so expropriated :

1st. That they shall receive from each of the grantees (*concessionnaires*), within their *censives* at the time of the passing of this Act, the same annual sum that they received heretofore, for *cens et rentes* until it shall reach a maximum rate of two *sols* currency per superficial arpent ; the only dues not stipulated in kind, convertible into money, being wheat, to be estimated at 5s. per minot, and capons, to be estimated at ten pence each.

2nd. That there shall be paid annually by each such *concessionnaire*, an additional sum of two *sols* per arpent in superficies, as and for interest on the capital represented by the *lods et ventes* : which dues, at a general maximum average of four *sols* per arpent, shall be paid to them for the period of twenty-five consecutive years, and shall cease to be due at the expiration of that period.

3rd. That they shall be entitled to receive from the Government of this Province, for the period of twenty-five years, an annual sum of two *sous* (one penny) per arpent in superficies conceded in *censive*, and subject to the dues above referred to, as and for a sinking fund annuity for the Seigniorial Capital and a general indemnification.

4th. That the proprietors of *arrière fiefs*, the Crown excepted, shall annually receive as *dominants* from the proprietors holding of them, a sum equal to the one-fifth part of two *sols* per arpent in superficies, within the limits of such fiefs, the said sum to be paid for the period of twenty-five years only.

VI. That the proprietors of fiefs and Seigniories shall receive from Government, as and on account of expropriation from their wild and unconceded lands, the sums hereinafter designated upon the following scale, that is to say, 5 *sols* currency per superficial arpent, for unconceded lands situate in the Seigniories three-fourths whereof are conceded; 4 *sols* per superficial arpent of unconceded lands, situate in Seigniories one-half whereof, at least, is conceded; 3 *sols* for every superficial arpent of unconceded lands situate in Seigniories, one-fourth whereof, at least, is conceded; 2 *sols* for every superficial arpent of unconceded lands situate in all the other Seigniories, with the exception of the Seigniories of the Island of Anticosti and of Mingan or Terra-Firma; all of which sums shall be paid to them annually for a period of ten years from the passing of this Act, at the expiration of which period, the payment so to be made, shall be perfected; and that the Proprietors of the Seigniories of Anticosti and Terra-Firma shall annually receive from the Government, the sum of four pounds currency for every league of land in superficies situate in the said Seigniories, and this payment also shall continue for a period of ten years.

VII. That all the proprietors of fiefs and Seigniories, entitled to and in possession of the same, at the time of the passing of this Act, shall reserve as their own exclusive property, the Domain by them possessed, occupied and improved, in good faith, and the mills by them erected, with the water-powers working the same.

VIII. That the Seigniors or dominant proprietors of property, situate within the limits of Towns and incorporated Villages, shall annually receive from the Corporations of such Towns and Villages, during a period of twenty-five years a sum equal to the revenue arising to them from such dependence or *censive*, to be computed at the average amount of ten years, and also one and two-thirds per cent. of the capital represented by such average revenue, being the annuity destined to extinguish the said capital within the aforementioned period of twenty-five years.

#### EXECUTION.

X. That within the six months immediately after this Act shall receive the Royal assent, every proprietor in *censive* of property situate without the limits of Towns and incorporated villages, shall be bound to furnish to the feudal proprietor, of whom he holds, by delivering to him or to his agent, at the domicile to be elected by such Seignior within the limits of the said late *censive*, an instrument in the form of Schedule A hereunto annexed. And every proprietor of an *arrière fief* whose Seignior dominant is other than the Crown, shall furnish to the said Seignior dominant an instrument in the form of Schedule B. The said instruments shall constitute an hypothecary debt bearing privilege of *bailleur de fonds* prior to any other hypothec granted even before the passing of this Act, the transfer of the property liberating the *bailleur* from all personal liability; and the holder of the said bonds so granted in his favor shall be bound to deposit the same in the Registry office of the locality therein referred to, and the Registrar of such office shall enregister the said instrument in a separate book, to be called the "Commutation Register," in the usual manner and form to serve for all purposes, and shall endorse thereon a certificate in the form of Schedule C hereunto annexed, and such Registrar shall be



entitled to demand from the Receiver-General of the Province, who is hereby authorized to pay the same, the sum of one shilling and three pence currency for every such enregistration, including the certificate thereof.

X. The Receiver-General of the Province, shall be bound to pay annually to the late proprietors of Seigniories, as provided by the fifth and sixth sections, 1st. The sum of two sols per arpent in superficies, of the lands described in the instruments granted in the form of Schedule A, upon production of the said instruments bearing upon them a certificate of enregistration. 2nd. The respective sums fixed by the scale contained in the sixth section, for each arpent of unconceded land, upon proof made to the Receiver General of the number of unconceded arpents and their situation, and in case of refusal by the Receiver General to receive such proof, then upon proof thereof made to the satisfaction of two Judges of the Superior Court, and certificates thereof by such Judges.

XI. That the corporation of any town or incorporated village shall assess and levy, in accordance with the assessment Roll, on all property under their jurisdiction and held in *censive* at the time of the passing of this Act, the sum to be fixed by virtue of section VIII, upon proof made to the said corporation or before two Judges of the Superior Court, and such sum shall be paid annually by the corporations aforesaid, to the proprietors of Seigniories entitled thereto, by virtue of the section before cited.

#### GENERAL PROVISIONS.

XII. 1st. Hypothecary creditors under hypothecs bearing date prior to the passing of this Act may be substituted exactly as in analogous cases under the ordinary laws which shall apply also, in all matters connected with this Act to substitutions and to all the rights of minors, interdicted persons, and women subject to marital authority.

2nd. In case of sale (*décret*) it shall not be necessary to enter oppositions, for the preservation of the privileges granted under this Act, derogating in this respect from the common laws, and in case such opposition shall be made, the costs thereof shall be borne by the opposant.

3rd. Parties holding in mortmain, tutors, curators, *substitués*, administrators, and all corporate bodies, shall by virtue of this Act, exercise all rights which may be exercised by any individual; and corporate bodies holding Seigniorial property in mortmain shall be empowered to invest, as they may deem expedient, even in real estate, the sums produced by commutation.

4th. The rent created by virtue of this Act in favor of the heretofore proprietors of Seigniories may be extinguished by arrangement between the parties, and any arrangement between the creditor and debtor created under this Act, for a partial or complete redemption, shall be valid, provided it be made in conformity with the provisions of this Act.

5th. Sums due by virtue of this Act shall be prescribed at the expiration of twelve months from their becoming due, and shall not bear interest, and the entire commutation debt shall be prescribed and extinguished at the expiration of the twenty-sixth year after the passing of this Act; but such prescription shall only be pleaded by the person who shall have conformed to the provisions of this Act, and by the *tiers détenteurs* who shall have notified the creditor of the acquiring by them of the property charged.

6th. The transformation by virtue of this Act of any real debt, into a personal debt, by means of promissory notes, shall be a legal transaction, and the same shall be recoverable at all times.

7th. The Government or the Town and Village Corporations may, being interested parties, appear before Courts of Justice, to combat all evidence offered by virtue of the tenth and eleventh sections, and they shall be notified of the day upon which such evidence is to be offered under pain of the proceedings being declared null.



8th. Monies payable by Government under this Act may be stopped and seized in the hands of the Receiver General, by virtue of orders and Judgments of Courts of Justice.

9th. Any fraud against the provisions of this Act, and any attempt to exceed the amount of the obligations arising out of this Act shall be punished by the forfeiture, to the profit of the victim thereof, of all the money due by the party so defrauded.

10th. All concessions made before the passing of this Act, of Lands within the limits of Seigniories exceeding three hundred acres in superficies, upon which no *bonâ fide* clearing has been made before the three months immediately preceding the sanctioning of this Act, are hereby declared to be made in contravention of the laws regulating the feudal tenure in this Province, and are null *pleno jure*, and such lands shall by virtue of this Act be reunited to the Public Domain.

11th. All Courts of Justice within the extent and limits of their Jurisdiction, shall summarily hear and determine all matters contained in this Act, in the ordinary and most extended manner and as they are empowered to decide all other matters, and to fix the costs thereof.

12th. This Act shall be interpreted in its broadest sense, and all questions incidental thereto, shall be determined in accordance with the ordinary principles of law in analogous cases.

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#### SCHEDULE A.

I, A. B., the present occupier of a land (or property,) situate in the range of the concessions of the Parish (or locality) of \_\_\_\_\_ bounded (succinct description of land,) containing \_\_\_\_\_ arpents in superficies, do acknowledge myself to be indebted to C. D. \_\_\_\_\_ at the domicile to be elected by him in the Parishes (or locality) aforesaid, in the sum of \_\_\_\_\_ shillings currency per annum, to date from the day of the passing of the Act of Commutation, and so to continue by virtue of the said Act for twenty-five consecutive years.

Place

Date

Signature.

(or mark in the presence of two witnesses.)

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#### SCHEDULE B.

I, A. B., the present holder of deposits funded as commutation money of the *arrière fief* situate (description) \_\_\_\_\_ acknowledge to be indebted to C. D. heretofore Seigneur Dominant of the said fief, in the sum of \_\_\_\_\_ currency per annum, being the one fifth part of the commutation sinking fund for the said fief, and to be so indebted for the space of twenty-five years.

Place

date

Signature.

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#### SCHEDULE C.

*Filed and enregistered.*

Place

date

A. B. Registrar.

## VIII.

It is evident at first sight that the plan I have just proposed offers in its practical results the three following advantages: That it does away with all kinds of incidental expenses, and may be carried out without its being necessary to add one single public functionary to those we now have. In fact, commutation would be effected forthwith, without effort, without commotion, and without requiring any attention. That it guarantees a decree of certainty from the fact, that each one will know what he will have to give, what he will receive, and the time when and the way in which the whole will take place. It will secure the interests of third parties, the creditors of Seigniors and *Censitaires* and cause no interruption in the hypothecary system of the Country, a consideration of the greatest importance.

The first of these advantages cannot be over estimated, inasmuch as it permits the application to the redemption, for the benefit of society, of a part of the charges with which it is over burthened, of the monies which would otherwise be employed uselessly in the collection of information, which we already amply possess, and in unprofitable disputes. Future investigations would give us further information than we already possess from the researches heretofore already made, and the expense would exceed the sum required for carrying out the scheme I propose. Take for example the investigation into the losses of 1837 and 1838; this enquiry, by which it was proposed to ascertain and apportion on a fixed sum the claims of a few hundred persons, lasted nearly two years, cost £13,000, and caused discontent to every one, including even the Commissioners. From this, it is easy to perceive what would be the cost and result of a commission, which will have to investigate the old and new titles of 71,000 families of *Censitaires*, examine for ten years back the books of 160 Seigniors, decide and estimate the value, and apportion the rents and dues of tracts of land extending over an area of more than 6,000,000 arpents of inhabited Country. "*It will be a stupendous, curious and expensive task*" said with reason the Honorable Mr. Laterrière. I now proceed to a detailed examination of the various provisions of my scheme for commutation.

I have avoided inserting in the Preamble any word which might give umbrage to the class of Seigniors, a certain number of whom only have ceased to conform to the laws. I have nothing to remark as to the clauses ordaining expropriation; the abolition of the tenure would be complete and instantaneous.

The fifth clause, relating to indemnification, is divided into four paragraphs, each of which I shall examine separately. 1st, I believe I have demonstrated that no Seignior is entitled by law to demand more than two sols per superficial arpent for annual rent, and that in all the Seigniories at the date of the promulgation of the Edict of 1711, which establishes the customary rate, and of the ordinances which enforce it, the *rente* and *cens* united did not amount to two sols. It is also now established, that in all the Crown Seigniories, in all the Seigniories in the possession of religious Communities, in almost all the Seigniories in the Districts of Quebec and Kamouraska, in a great number of the Seigniories in the Districts of Montreal and Three Rivers, the scale of the *rentes* at the present time is below two sols. I could never comprehend how, on reasonable and conscientious grounds the conclusion could be come to, that an increase in the maximum rate of *cens et rentes* exceeding two sols, is not a violation of public law, and of the rights of



individuals. To raise the *cens et rentes* above two sols by an act of public authority, is to say, in the name of the law, to the Seigniors who have conformed to it, and these happily form the immense majority, "You are very foolish to have so quietly believed in the rhapsodies of your titles and the Edicts, arrêts and ordinances which govern them; the correct doctrine, the just method, is to encroach and grind down, and to encroach and grind down again."

I have fixed the conversion of the capons and wheat into money value, at five shillings for the wheat and ten pence for the capons; this is a concession in favor of the Seignior, the total amount of whose *cens et rentes* is below the maximum rate. The second paragraph establishes in an exact manner that the *lods et ventes* shall be represented by a proportionate additional rent equally apportioned over each superficial arpent of land conceded. This system possesses undoubted superiority, and was recommended in 1843, by several persons, and public attention was directed to it by the Commissioners for the Seigniorial Enquiry. Mr. Daniel Arnoldi thus wrote at this date, "I conceive the measure would be far better and sooner accomplished by a commensurate *rente* than by any other. "In a business of this nature arbitration would be susceptible of great abuses, " &c." This was also the opinion expressed by Messieurs Lacoste and Lemieux, in the House of Assembly in 1853.

I have now to show that the quantum I have fixed, is an equitable average for the Seignior, and that the uniformity I establish in the payment of the *rente*, is just as regards the mass of *censitaires*.

I show by the annexed table, number 7, and the remarks which follow, that in the thirteen Seigniories therein mentioned, by the returns given in by the Seigniors themselves, the average revenue arising from the *lods et ventes*, calculated upon the number of arpents conceded, is rather under two sols an arpent. By table No. 8, I have shewn that in the five Seigniories therein mentioned, the average amounts to less than  $1\frac{1}{2}$  sols per arpent. From the information furnished by Mr. Archambault, it appears that in the Seigniorie of l'Assomption the amount is under 15 sols per arpent. The Commissioners of 1843 ascertained that, in the Seigniorie of Lauzon, the annual value of the *lods et ventes*, "would only add about one or two sols per arpent to the amount of the *cens et rentes*." Mr. Lacoste, a gentleman of great experience as an agent for Seigniories, and whose information has reference to several Seigniories not included in the above mentioned tables, estimates the value of the capital of the *lods et ventes* in 1853 at one-thirty-sixth part of the value of the lands *en censive*; so that estimating the value of the conceded lands both in wood and under cultivation at an average of £2 10s. per arpent, this calculation would give an average of  $33\frac{1}{3}$  sols per arpent of capital, or two sols of annual proportionate rent. Table No. 9 confirms this proposition, that two sols per arpent is the maximum value of the *lods et ventes*. The foregoing is sufficient to convince all reasonable men, and if each of those who seek an upright settlement of the question, would apply these calculations to his own locality, there would not be a single individual remaining in the whole extent of the Seigniories, who would not admit the fact, that two sols of annual rent per superficial arpent is an adequate indemnification, in place and stead of the *lods et ventes*. With respect to the *censitaire*, it may be remarked, that an equal apportionment without regard to the value of the lands would not be just. I assert that it is perfectly so in its application, for it is a fact universally admitted, that it is property of the least value that contributes almost the whole amount of the casual profits of *lods et ventes*, and that for one valuable property which is sold, twenty half-cleared tracts are sold; it is then true to say, that in a period of twenty-five years, the small proprietor in *censive*, will pay more *lods et ventes* than the rich proprietor, and that by an equal apportionment the poor man would in fact be benefited. Besides, what would be gained by incurring the costs of valuations and apportionments, if it be not to make one class pay more than another. I am convinced that strictly speaking, this system is the most just and the

least expensive. This was the opinion of Mr. Boutillier of St. Hyacinthe, who said in 1843: "Upon examination of the Rent Rolls of a number of the Seigniories in different parts of the Province, the annual Seigniorial revenue might, I apprehend, be promptly and without difficulty ascertained." This mode has moreover the merit of removing a great inconvenience which, in the case of certain Seigniors would be almost the same as a spoliation without compensation, an inconvenience which has been represented by Mr. Peter Burnet, in the memorial addressed by him to Sir John Packington; Mr. Burnet shows that the average of ten years which satisfactorily represents the value of the *lods et ventes* in the very large Seigniories or in a certain number of Seigniories, in all the Seigniories taken together, does not always represent the average of a Seigniority situated under peculiar circumstances. The case of a Seigniority in the District of Three Rivers, was brought under my notice, which only contains old lands of great value. This Seigniority, I am told, produced £1000 of *lods et ventes* in one year, and has not produced any at all for the last fourteen years, so that this property which gives an average of £66 of *lods et ventes* per annum for a period of fifteen years, gives nothing at all for a period of fourteen years.

The third paragraph is the key to the financial part of the proposed plan, I have adopted the system of extinguishing annuities which is universally admitted in public undertakings, in banking transactions, and other financial operations. According to this principle an annuity of one and two thirds per cent of the capital added to the interest at the rate of six per cent annually, extinguishes this capital in a period of twenty-five years. In other words, a capital loaned on a sinking fund on condition of receiving  $7\frac{2}{3}$  per cent for five and twenty years, is as well invested as though it had been loaned at six per cent, repayable at any period whatsoever. Of the part of the indemnification proposed to be paid by Government I appropriate the proportion of 34 per cent, and set it apart to smooth down the asperities of the system of generalization and to justify the exercise of the high handed authority which in every case of expropriation is necessary; this proportion forming an unimportant fraction of more than two thirds of a *sol* per superficial arpent of rent added to the four *sous* of the  *censitaire*, is the interest on the capital granted to the Seignior and which is extinguished by the annuity, leaving rather less than one *sol* and one third per arpent of annual rent, remaining from the Government grant.

The following is the result of all these calculations applied to each superficial league of Seigniority:

	£	s.	d.
Maximum amount of consolidated capital.....	1150	8	4
Annual interest on this capital.....	69	0	6
Extinction Annuity.....	19	3	6

There exists in favor of the Seignior a fraction of a *sou*; the capital is computed as follows:

	£	s.	d.
Capital due by <i>censitaires</i> .....	980	0	0
Capital derived from Government.....	170	0	9
Interest paid by <i>censitaires</i> .....	58	16	0
Interest paid by Government.....	10	4	6

So that the proprietor of a Seigniority, let us suppose of two leagues in front by three in depth, would annually receive for twenty-five years the (maximum) sum of £352 from the *censitaires*, and a further sum of £176 from the Government, and would retain as his own property for ever his mills and domains: which would in amount be equivalent to payment in cash of £12,000 as the value of such Seigniority under ordinary circumstances, abandoning moreover the *droit de Quint* in favor of the Seignior. It is certain that no Seigniority exists, the relative value of which exceeds this sum, unless the excess be derived from



manor-houses, domains or mills of more than ordinary value, a consideration giving rise to no difficulty, under the provisions of my scheme.

The system of annuities and instalments has been objected to, on the principle that economy not being a characteristic of a great number of the Seigniors, this mode of redemption would in many cases have the effect of permitting them "to spend both principle and interest." In reply to this Mr. Cartier said, "if the Seigniors are not wise enough to manage their own affairs, let them have Curators appointed." This is evident, for when the folly of people is made use of as an argument, the conclusion to be drawn should have some reference to the mad-house or to a Curator.

The fourth paragraph has reference to a few *arrières-fiefs*, of which the dominant proprietors are not the Crown. The rights of the Seignior Dominant consist in the receipt of one fifth part of the price of each mutation or sale; as this casual right only produces a revenue to the Dominant at very remote periods it is evident that one fifth part of the value is far too much, as the price of commutation. I consider that the annual payment of one fifth of the Government grant is a large indemnification, in fact it creates in favor of the dominant a fixed annual rent of two pounds nine shillings currency per superficial league besides an annuity of £3 16s. 8d., thus effecting in twenty-five years payment of a capital of £230. The quint has never produced to the Crown any thing approaching that sum considering the extent of the *arrières-fiefs*.

Clause VI fixes a scale by which the amount allowed for indemnification, for the reunion of unconceded lands to the domaine of the Crown should vary in proportion to the real value of the lands. For it is at once evident, that the Seigniories which have made the least progress towards settlement, are those occupying the worst situations, and for the same reason those in which concessions are least frequently made; then, as the property the Seignior has in the value of the unconceded lands, only represents a latent capital which comes under the seisin of the *dominant*, as fast as it is conceded, the immediate redemption of this capital requires an amount diminishing in proportion to the diminution of the chances of concession—I propose to repay this capital by annual instalments bearing no interest, for the simple reason, that now it is the course which the return of the interest on such capital, follows by successive concessions from year to year. The maximum fixed by the proposed clause, five sols per arpent paid annually, by instalments during ten years, will form a capital of £735 per superficial league of unconceded and uninhabited country, and the minimum a capital of £294. I except from the proposed rule, the Seigniories of Anticosti and Terra Firma, because in reality these properties are almost valueless, and have in fact produced to their proprietors nothing worth mentioning. This capital paid regularly without risk, and without any expense attending its management is assuredly worth more than the rights of the Seigniors in these wild lands and unconceded lands, the nominal value of which, diminishes in consequence of the risk and difficulties attending a widely extending, long, and difficult collection.

From the foregoing remarks it may be seen how untenable is the proposition contained in one of the clauses of the Bill last Session, constituting a ground rent (*rente foncière*) of 7 sols per superficial arpent in consideration of the concession of wild lands in *franc alevé*; to demonstrate what cruelty to the poor farmer would attend the carrying out of such a provision, it will be sufficient to submit the following calculations to the reader; from the information furnished by the late Honorable Mr. Dionne of Kamouraska, with a candor and good will that does honor to his memory; the beautiful Seigniorie of *St. Roch des Aulnais*, containing six square leagues in superficies was bought for £10,000, including a magnificent Mill, which produces an annual revenue of £400; this denotes a more than ordinary progress in cultivation, and the consequently increased value of property contributing the casual profit of *lods et ventes* and including also therein the quint. Well, according to my proposition a Seigniorie of the same ex-

tent, without Mills, clearings, or habitations, and situated under the most unfavorable circumstances, would cost the inhabitants the sum in round numbers of £10,000, the capital represented by the constituted rent of 7 sols (3½d.) per arpent.

Clause VII enacts that the Seigniors shall remain the proprietors of their private domains occupied by them in good faith, and the exclusive possession of their mills, without being subject to the exigencies of the laws and customs relating to banality.

Clause VIII relating to fiefs occupied by Towns or incorporated Villages may be easily understood, and I do not believe there is any other general method for proceeding to commutation under the circumstances, than by taking advantage of the Municipal authorities, whose organization is complete, and who have their assessment rolls and the necessary officers to carry out this mode of redemption, which will not entail upon these Corporations, more difficulties than a simple additional taxation for any other object or purpose, whatsoever. If it be remarked that the government does not render assistance to the Town Censitaire, as it does to the rural Censitaire, I would answer that it is to the special advantage of the former that commutation takes place, because the due of *lods et ventes* weighs more heavily upon Town property, and upon the mercantile and industrial classes who are principally inhabitants of the City or Town.

Clause IX enacts, what shall be the means employed by the Censitaire to guarantee to the Seigneur the payment as regards himself of the annual sums which he shall be bound to make to him. I maintain that the Government ought to pay the costs of enregistration of the new contracts, inasmuch as by enacting that expropriation shall take place, the Seigneur is deprived of the guarantees afforded him by the Seigniorial Tenure, and they are obliged to be renewed in another form; this expense moreover, only amounts to £4,480, once paid.

Let us now ascertain what sum each Censitaire will have to pay to his Seigneur for five and twenty years, by virtue of my proposed plan. Let us take for example a farm of 80 arpents. The *lods et ventes* being calculated at two sols per superficial arpent, such a farm will pay annually the sum of six shillings and eight pence for that item; and as the rent will be paid, at the rate at present fixed in the contracts, up to the maximum of two sols, we shall have the total amount hereinafter set out, according to the circumstances of the case.

	s.	d.
For a land of 80 arpents not charged with <i>rente</i> but charged with one sol of <i>cens</i> ,.....	6	8½
For a land charged with half a sol of <i>rente</i> per arpent,.....	8	4½
For a land charged with one sol of <i>rente</i> ,.....	10	0½
For a land charged with one sol and a half of <i>rente</i> ,.....	11	8½
For a land charged with two sols or more,.....	13	4½

Under the clause X, the Province would have to pay annually two sols, for every arpent of land in *censive* without the limits of the Crown Seigniories; now the number of arpents so situated, being 5, 941, 347, it follows, that the annual sum for the payment of which the Government will be bound, will be £24,755, indeed rather less than this from the fact that the *franc aleus* and the private domains of the Seigniors are included in the sum of the arpents conceded. The second paragraph of the same clause, has reference to the payment for lands not conceded and reunited to the public domain; it is evident that in this case the Government gains and receives more than their value, because, by paying for the partial right that the Seigniors have to the property, the State becomes the exclusive proprietor. To calculate the annual sums that will have to be paid for a period of ten years for the redemption of unconceded lands, the following approximate estimates may be set down:



250,000 arpents at 5 sols (2½d.).....	£2,604
200,000 do at 4 sols (2d.).....	1,666
250,000 do at 3 sols (1½d.).....	1,562
792,986 do at 2 sols (2d.).....	3,304
454 leagues at Anticosti and <i>Terra Firma</i> at £4.....	1,816
	<hr/> £10,932

I have established the value of the wild lands, under the different circumstances mentioned in my scheme, on the price obtained at private sales, for old inhabited Seigniories commuted into free and common soccage, and these bases are so far more liberal for the proprietors, inasmuch as in the commuted Seigniories, the owners have in virtue of their letters patent become exclusive proprietors, instead of holders in common as theretofore.

The provisions contained in the XI and XII clauses of the Plan hardly require commentary, the end and means of attaining it explain themselves, and have at different times been the subject of discussion in Parliament, and elsewhere. Besides the limits necessarily assigned to this work, oblige me to confine myself to advancing propositions, leaving them to the intelligence of the public and of the reader to develop; it will be enough to say that it will not suffice merely to peruse this treatise, but to form a general estimate of it, a profound study of its details is necessary. I trust that I shall be pardoned the perhaps tedious conciseness, which I have been obliged to have recourse to.

## IX.

On first consideration I had prepared a clause to provide indemnification for the purchasers of Seigniories, who, counting upon the decisions of the Courts, have paid for these properties a higher price than the one I have established, or who have accepted legacies upon onerous conditions, thereby placing themselves in the same position, as that of the purchasers above referred to. For notwithstanding what may be said and with reason too, that these purchasers have acquired such property imprudently or in bad faith, or that their contracts, are *de facto* aleatory contracts by virtue of which they have become proprietors of contested rights at their own peril and risk; I am nevertheless of the opinion of Messrs. Sicotte, Chapais and many others who are of opinion that the Government should, in order to the removal of any pretext for complaint, pay such indemnification, if there really is a purchaser; but no necessity exists for such a provision in the scheme which I submit, because in fact the best Seigniories are not worth in the market more than or even as much as the value assigned to them, and I believe and may state with certainty, that there are not more than three Seigniories in the Country which have ever been sold for a larger sum per superficial league than that which I have established; these three are the Seigniories of Beauharnois, Rouville and Terrebonne; now the principal value of these Seigniories is not due to the annual rents and the casual rights, but to the value of the private Domains, manors and mills, which, left in the possession of the Seigniors and freed from the quint and the obligations of banality, afford consequently to the proprietor, in the end, more than perfect compensation. In the Seigniorie of Beauharnois in particular, the agent, Mr. Wakefield, further declared in 1843 that the purchase of that property had been a very bad speculation: a circumstance which may serve to convince those who pretend that it is impossible for the purchaser of a Seigniorie to make a bad bargain.

It may not be altogether useless to make a remark, which practically removes many difficulties, and it is this, that the Seigniories in which the amount of the rent has been increased illegally, are not those which always produce the largest revenues, and that in all cases they never produce a revenue approaching

the nominal amount of the obligations. "The wine press can never force from the grape more than a certain quantity of wine!" The excess of the rents diminishes the value of the property; then, as there are no sales, or if there are any, they are at a very low price, but little casual revenue accrues from the *lods et ventes*; but that is not the only nor yet the principal reason of this fact; the principal cause lies in the difficulty incurred in the collection of the revenue, in consequence of the passive resistance offered by the *censitaires* to unjust encroachments, against which neither the Government or the Courts have granted their protection; it will be sufficient to say that the arrears of certain Seigniories have risen to enormous amounts, and have been sold for a mere trifle by the Seigniors. I am aware that the arrears due to one of these Seigniorial proprietors amounting to £25 or £30,000, were sold by him at a loss of more than five hundred percent. and that one Seignior alone, has within a period of three years been obliged to lodge no less than 179 executions in the office of the Sheriff of Montreal.

Those who will refer to the appendices to the Report of the Commission of 1843 will perceive that the complaints brought by the Seigniors with respect to "*bad debts*" and "*frauds committed*" afford proof of the fact I have stated. This carries out what I have already remarked viz: That certain Seigniors exaggerate the value of their Seigniories, and by so doing, they have induced many people to believe that their Seigniories are a second Peru. It is highly amusing for example to peruse the memorials addressed to the Colonial office on the subject. These documents commence with an outpouring of political sentimentality, they regret the good old times, when elbow room and free entrance could be obtained to Downing Street; they speak of demagoguism, the arbitrary will of majorities, of "the Government of Lord Elgin" and of the attempts at spoliation against the Seigniors, but they take very good care that the amount of the revenue of their Seigniorial property should be made known; and the noble Lords of the Treasury would have laughed if any mischievous person had told them that these revenues only amounted to some three hundred pounds for which a more than sufficient compensation has been offered to them. But there is one thing I now begin to suspect, viz: That a certain number of the Seigniors, without refusing the money, attach much more importance to the title of Seignior, and look upon themselves as the aristocracy of the country; such persons ought candidly to state their opinion; it is a fine sentiment in a utilitarian age, where a man is always measured by the length of his purse, and some means might be arranged by which an economical order of knighthood might be established for their benefit.

A question was put to the following effect by Mr. Wakefield, agent for the Seigniors of Beauharnois in 1843. What authority has the Legislative Assembly for making any enactment with respect to Seigniories commuted into free and common soccage? For the solution of this question, we must first of all define the respective position to which the parties interested are placed by virtue of the Imperial Act. These titles change into exclusive and independent property to the profit of the Seignior all unconceded lands heretofore possessed by them in Seigniorly or under the simple title of *dominant*; from this it is clear that as regards lands unconceded at the date of the issue of the Letters Patent, the Legislature has nothing to do with them and we need not take them into our consideration; but as regards lands then conceded in *censive*, these documents simply grant permission to the Seignior and *censitaire*, without obliging them to alter the tenure of their properties; thus it is manifest that this provision being of a voluntary nature is obligatory on the part of nobody, and binds neither the local Legislature nor individuals, and that a general Colonial provision rendering commutation, generally, obligatory, includes in its effects the parts in *censive* of the commuted Seigniories; inasmuch as an enactment of this nature is not a contradiction of the Imperial Act, but is on the contrary the confirmation of the provisions of that Act; in a word it would only enact the establishment of a state of things which by the Imperial Act is declared expedient and desirable.



I claim in conclusion a conscientious investigation of the propositions which I have set out in this treatise, which I only lay before the public, in the firm conviction that my system only provides for doing justice to all, and in doing so to entail the least cost upon the public generally. I ask for it study, such as would be bestowed upon the labor of an intimate friend, of whose devotion to the cause you are convinced, and then, instead of searching for something with which to find fault, the reader will endeavour to comprehend everything, and if after so careful an examination my scheme be rejected, I shall feel that I have been deceived, though my intentions have been of the sincerest nature.

One word more ; let those who are called upon to assist in the solution of this great question, consider the matter in a historical point of view, and cast aside any feelings of self interest which may assail them, they will then find the question more easy of solution.

TABLE No. 1.  
TABLE of the Fiefs and Seigniories of Lower Canada.

Entered on the Table of the Report of 1843.	Seigniories.	Situation according to new division of Districts.	Superficies in Arpents.	Names of Original Grantees and date of grant.	REMARKS.
1	Anse aux Coques.	Kamouraska.		Riverin & Hazzeur	Part of Le Page—Thibierge is not separated.
2	1 Anse de l'Etang.	Gaspé	7056	De Comporté	Commuted in free and com. soc. [rated.
3	2 Antaya	Three Rivers.	3528	Daillebout.	1672
4	3 Argenteuil	Montreal.	56448	Aubert.	1680
5	4 Aubert-Gallion.	Quebec.	28224		1736
6	5 Aubin de l'Isle.	Quebec.			See De l'Isle.
	Assomption.	Montreal.			See Lachenaie.
7	6 Baie St. Antoine.	Three-Rivers	28224	Lefebvre	1683
	Baie du Févre	Three-Rivers		Jesuit Fathers	1639
8	7 Batiscan	Three-Rivers	317520		See Baie St. Antoine.
9	8 Beauport	Quebec.			Belong to the Crown.
10	9 Beauharnais	Montreal.	254016	De Beauharnais	See Côte de Beaupré.
11	10 Beaujeu (Lacolle)	Montreal.	42336	De Beaujeu.	Commuted.
12	11 Beaumont	Quebec	31752	De Beaumont	
	Augmentation	Quebec	28224	De Beaumont.	
13	12 Beaupré	Quebec.		Giffard.	1653-1635
14	13 Beaupré	Montreal.			Part of Chambly.
15	14 Beauvais.	Quebec.	33811	De Bécancour	Part of Deschailions.
16	15 Bécancour.	Three-Rivers	10584	Toupin.	
17	16 Bélair (Beureuils)	Quebec		Do (Mezerai)	
18	17 Bélair (Beureuils)	Montreal.	42336	Hertel	Belœil contained only 31752 arpents
19	18 Augmentation (Bélair)	Montreal.	3528	De Longueuil	according to the titles; but the land
	Augmentation.	Quebec	28224	De Vitre	contained the superficies here designated.
20	19 Berthier (Bellechase)	Quebec	81444	Berthier.	
21	20 Berthier et Isle Randin.	M trea	28224	Do	
22	21 Augmentation.	Kamouraska.	31752	Letage.	The title of Bleury shews 3 leagues
23	22 Belœil	Montreal.		De Vitre	front by 3 depth, but the land is a
24	23 Augmentation.			Sabrevois	triangle.
	24 Bleury				



TABLE of the Fiefs and Seigniories of Lower-Canada.—(Continued.)

Entered on the Table of the Report of 1843.	Seigniories.	Situation according to the new division of Districts.	Superficies in Arpen s.	Names of Original Grantees and date of Grant.	REMARKS.
25	23 Bonaventure .....	Gaspé .....	14112	De Lacroix .....	1697
26	24 Bonhomme (Bélar) .....	Quebec .....	28224	Bonhomme .....	1632 Bonaventure has been forfeited.
27	25 Bonsecours .....	Montreal .....	14132	Charon .....	1702 Bonhomme belongs to the Crown.
28	26 Bonsecours .....	Quebec .....	21168	Villeneuve .....	1687
29	27 Bonsecours (Islet) .....	Do. ....	63504	Bélanger .....	1677
30	28 Bonsecours (Islet) .....	Montreal .....	19152	Bourchemin .....	1695
31	29 Boucher .....	Three-Rivers .....	53212	Boucher .....	1656 Included in the superficies of the neighbouring Seigniories.
32	30 Boucherville .....	Montreal .....	8350	Do .....	1672
33	31 Bourg-Louis .....	Quebec .....	7560	Fornel .....	1741
34	32 Bourgmairie Est .....	Three Rivers .....		Fezeret .....	1708
	33 Bourgmairie Ouest .....	Montreal .....		do. ....	
	Becquets, les .....	Three Rivers .....			
	Bruyères .....	Do .....			See Lévrard.
35	33 Cap de la Madeline .....	Do. ....	282240	Jésuit Fathers .....	See Bécancour.
	Cap St. Ignace .....	Quebec .....	5292	.....	1651 Belongs to the Crown.
36	34 Cap St. Michel .....	Montreal .....	10584	LeMoine and St. Michel .....	1672 There is no title to this Seigniorie, at all
37	35 Carful .....	Montreal .....	28224	Sicard de Carufel .....	1705 events none has been found.
	36 Champlain .....	Three-Rivers .....		Pézaré .....	1664
	37 Augmentation .....	Do. ....	42336	Latouche .....	1697
38	38 Chambly .....	Montreal .....	42336	De Chambly .....	1672
39	39 Chateaugay .....	Do. ....	42336	LeMoine .....	1673
40	40 Chicot et Isle du Pas .....	Do. ....	8792	Dupas .....	1672
41	41 Cloridon .....	Gaspé .....	28224	D'Enean .....	1736 Forfeited.
42	42 Contrecoeur .....	Montreal .....	635000	De Contrecoeur .....	1672
43	43 Côte de Beaupré .....	Quebec .....	28224	Régardière .....	1656
44	44 Colonge .....	Do. ....	28224	Dallebont .....	1657 The superficies is included in the neighbouring Seigniories.
45	45 Cournoyer .....	Montreal .....	42336	De Cournoyer .....	1695
	46 Courval .....	Three-Rivers .....	42336	Linctot .....	
	47 D'Aillebont .....	Do. ....		Cressé .....	1754
		Montreal .....	42336	D'Aillebont .....	1736

TABLE of the Fiefs and Seigniories of Lower-Canada.—(Continued.)

Entered on the Table of the Report of 1843	Seigniories.	Situation according to the new division of Districts.	Superficies in Arpents.	Name of Original Grantees and date of Grant.	REMARKS.
46	48 D'Autré Est.....	Montreal.....	8820	Bourdon.....1746	
47	49 D'Autré Ouest.....			Do.....1637	
	50 D'Autreuil.....	Quebec.....		D'Autreuil.....1693	See D'Aillebout.
	51 D'Argenteuil.....	Montreal.....	28224 42336 28224 64000 42336 26460 28224 63504 21168	De Guir.....1751	
48	52 De Léry.....	Three-Rivers.....		De Léry.....1733	
	53 De l'Isle.....	Montreal.....		Aubin.....1736	
	54 Derriere Lanoraie.....	Quebec.....		Neveu.....1739	
49	55 De Ramezay.....	Montreal.....		De Ramezay.....1736	
50	56 De Maure (St. Augustin).....	Do.....		.....	
	57 De Peiras.....	Quebec.....		Peiras.....1675	
51	58 De Ramezay.....	Kanouraska.....	21168	De Ramezay.....1710	The title has not been found.—Act of fealty and homage made in 1781.
52	59 Deschambault.....	Montreal.....		Grandmaison.....1652	
	Deschailons.....	Quebec.....		.....	
53	60 Desplaines, N. E. ....	Do.....		Le Gardeur.....1737	See St. Jean.
54	61 Desplaines, S. O. ....	Do.....		Do.....1738	
55	62 Dumontier.....	Three-Rivers.....		Dumontier.....1708	
56	63 Fusabé.....	Do.....		.....	
57	Duquet.....	Montreal.....	21168	Dusabé.....1739	See Ste. Anne.
58	Durantaie.....	Quebec.....		.....	
59	Dutort.....	Do.....		.....	See Ste. Antoine.
60	Eboulémens.....	Do.....		.....	See Ladurantaie.
	Ecoreuils.....	Do.....		Lessard.....1683	The title has not been found.
	Epinau ou L.....	Do.....		.....	
61	67 Fossambault.....	Do.....	7056	L'Epinau.....1701	See Bélair.
62	68 Foucault.....	Do.....	63504	Goderville.....1693	
	69 Fournier.....	Montreal.....	35200	Foucault.....1738	
63	Gamache.....	Quebec.....	5040	Fournier.....1672	
64	70 Gaspé.....	Do.....	15876	.....	See Lafrenay.
		Do.....		De Gaspé.....1738	



TABLE of the Fiefs and Seigniories of Lower-Canada.—(Continued.)

Entered on the Table of the Report of 1843.	Seigniories.	Situation according to the new division of Districts.	Superficies in Arpents.	Names of Original Grantees and date of Grant.	REMARKS.
65	71 Gatineau .....	Three-Rivers .....	5292	Boncher .....	1672
66	72 Gatineau .....	Do. ....	21168	Gatineau .....	1750
67	73 Gaudarville .....	Quebec .....	15120	Lauzon .....	1652
68	74 Gentilly .....	Three-Rivers .....	35280	Pelletier de la Pêrade .....	1676
69	75 Godefroy .....	Do. ....	15876	Godfroy .....	1638
70	76 Gouffe ou Le .....	Quebec .....	14112	Dupré .....	1682
71	77 Grand Pabos .....	Gaspé .....	63504	Hubert .....	1696
72	78 Grandpré .....	Three-Rivers .....	28224	Boucher .....	1695
73	79 Grand Rivière .....	Gaspé .....	21168	Cochu .....	1797
	80 Grandville .....	Kamouraska .....	21168	Grandville .....	1707
74	81 Grandville and Lachenaye .....	Do. ....			
75	82 Grande Vallée .....	Gaspé .....		Hazeur .....	1691
	83 Grondines West .....	Quebec .....	86436	D'Aiguillon .....	1638
	84 Grondines East .....			Hospital .....	1662
76	85 Augmentation G. Grosbois .....	Do. ....	15876	Hamelin .....	1711
77	86 Gillaudière .....	Three-Rivers .....			
78	87 Hubert .....	Montreal .....	2520	Gillaudière .....	1672
79	88 Islet St Jean .....	Quebec .....	28224	Hubert .....	1698
80	89 Islet Bonsecours .....	Do. ....	14112	Couillard .....	1677
81	90 Green Island .....	Do. ....			
82	91 Isle Perrot .....	Kamouraska .....	7056	Grandville .....	1672
83	92 Isle St. Paul .....	Montreal .....	7056	D'Artigny .....	1684
84	93 Isle Bizard .....	Do. ....	360	Perrot .....	1672
85	94 Isle aux Coudres .....	Do. ....	3528	Le Ber .....	1700
86	95 Island of Montreal .....	Quebec .....		Bizard .....	1678
87	96 Isle Jésus .....	Do. ....	7000	Seminary .....	1687
88	97 Isle Bouchard .....	Montreal .....	211600	St. Salpice .....	1677-1714
89		Do. ....	63500	Seminary .....	1689
90		Do. ....	1650	Fortel .....	1672

Of which 10584 are united to Kamouraska.  
See Terrebois.  
Forfeited.

See Machiche.  
Uninhabited.

See Bonsecours, Parish of P'Islet.  
Le Portage shows on the map 28224 arpents, that proceeds from the new division of estates.

See South River.

TABLE of the Fiefs and Seigniories of Lower-Canada.—(Continued.)

Entered on the Table of the Report of 1843	Seigniories.	Situation according to the new division of Districts.	Superficies in Arpents.	Names of original Grantees and date of Grant.	REMARKS.
91	98 Isle Ste. Thérèse.....	Montreal.....	800	DuGué.....1672	
92	99 Isle Bourdon.....	Do. ....	50	Repenigny.....1672	
93	100 Isle Beauregard.....	Do. ....	100	Beauregard.....1674	
94	101 Isle St. Pierre.....	Do. ....	3900	Redisson.....1694	
95	102 Isle Madame.....	Three-Rivers.....			Comprised in Lévrard.
96	103 Isle Moran ou Moras.....	Do. ....	250	Moras.....1672	
97	104 Isle d'Orléans.....	Do. ....	50	Lanaudière.....1697	
98	105 Isle aux Raux.....	Quebec.....	49300	Castillon.....1674	The superficies of all the islands has been measured on the map.
99	106 Isle Ste. Marguerite.....	do. ....	250	Jesuit Fathers.....1638	Belonging to the Crown.
100	107 Isle d'Anticosti.....	do. ....	200	Grandville.....1698	
101	108 Isle du Pas.....	Gaspé.....	2500000	Joliette.....1680	Uninhabited.
102	109 Isle Mingan.....	Montreal.....	20000	Joliette.....1677	See Chicout.
103	110 Isle des Plaines.....	Quebec.....			Uninhabited.
104	111 Jacques Cartier.....	Three-Rivers.....	17640	Widow Monceaux.....1659	See Isles du Large.
105	112 Joliet.....	do. ....	63567	Joliet.....1697	
106	113 Kamouraska.....	Kamouraska.....	42336	De Ladurantaie.....1674	
107	114 Labadie.....	Three-Rivers.....	882	LaBadie.....1672	
108	115 Lake of Two Mountains.....	do. ....		St. Sulpice.....1717	
109	116 Augmentation.....	Montreal.....	148176	Do. ....1735	
110	117 Lacheneye (Assf).....	do. ....	169344	Le Gardeur.....1647	Comprises Assumption, Lachenaie and Repentigny.
111	118 Lacnevroière.....	Quebec.....	42336	Lachevroière.....1673	See Beaujeu.
112	119 Lacoile.....	Montreal.....			Uninhabited.
113	120 Lac Métapédiac.....	Kamouraska.....	70560	D'Amour.....1694	Commuted.
114	121 Lac Mitis.....	do. ....	84672	Rouet.....1693	
115	122 Lefanaye.....	Quebec.....	3528	Ganache and Bellavance.....1672	
116	123 Ladurantaie.....	do. ....	70560	Ladurantaie.....1672	
117	124 Augmentation.....	do. ....		Do. ....1693	
118	125 Lamartinière.....	do. ....	16128	Lamartinière.....1692	
119	126 Lanadière (behind Maskinongé).....	Three-Rivers.....	56448	Lanaudière.....1750	



TABLE of the Fiefs and Seigniories of Lower-Canada.—(Continued.)

Entered on the Table of the Report of 1843.	Seigniories.	Situation according to the new division of Districts.	Superficies in Arpents.	Names of Original Grantees and date of Grant.	REMARKS.
111	124 Lanoraie.....	Montreal.....	28224	Lanoraie.....1688	
112	125 La Prairie (de la Madeleine)....	do.....	56148	Jésuit Fathers.....1647	Belongs to the Crown.
113	126 Lasalle.....	do.....	21168	Leber.....1750	
114	127 La Tesserie.....	Three-Rivers.....		Latesserie.....1672	This Fief La Tesserie is comprised in
115	128 Lauzon.....	Quebec.....	254,016	Lauzon.....1636	Belongs to the Crown. [Grondines and
116	129 Lavaltrie.....	Montreal.....	42336	Lavaltrie.....1672	[Lachevrotière.
117	130 Augmentation.....	do.....		Do.....1734	
118	131 Lessard.....	Quebec.....	7056	Lessard.....1698	
119	132 Lessard.....	Kamouraska.....	21168	Do.....1696	
120	133 Levrard (Les Becquets).....	Three-Rivers.....	56148	Levrard.....1683	
121	134 Livaudière.....	Quebec.....	15876	Pean Livaudière.....1731	
122	135 Longueuil Baron.....	Montreal.....	98784	Longueuil.....1700	The proprietor shewed to the Commis-
123	136 Augmentation.....	do.....		Do.....1710	sioners of 1843 limits above 300,000
124	137 Lotbinière.....	Quebec.....		Lotbinière.....1672	arpents, this was an error.
125	138 Do.....	do.....		Do.....1685	Lotbinière is partly commuted, the por-
126	139 Do.....	do.....	168944	Do.....1685	tion held in free and common socage
127	140 Do.....	do.....		Do.....1693	covers a superficies of 111132 ar-
128	141 Louis Gagne Bellevance.....	do.....	840	Bellavance.....1675	pents.
129	142 Le Page Thibierge.....	Kamouraska.....	64088	LePage and Thibierge.....1696	[bouring Fiefs.
130	143 Augmentation.....	do.....		Do.....1697	[This Fief is included in the neigh-
131	144 Lussaudière.....	Three-Rivers.....	7056	Lamothe.....1683	[nothing is to be found on the maps.
132	145 Lussou.....	Quebec.....		St. Lussou.....1672	The title does not give the depth, and
133	146 Machiche (Grosbois).....	Kamouraska.....		Lachenaie.....1683	
134	147 Madeleine Rivière.....	Three-Rivers.....	21168	Grandpré.....1672	Madawaska, see Témiscouata.
135	148 Maranda, N. E. (Duquet).....	Gaspe.....	14112	Riverin.....1689	Commuted.
136	149 Maranda, S. W.....	Quebec.....		Duquet.....1672	The two Fiefs Maranda are comprised
137	150 Martuère.....	do.....		Do.....1672	in the superficies of St. Antoine de
138	151 Maskinongé N. E.....	Three-Rivers.....		Le Gardeur.....1672	[Tilly.
139	152 Maskinongé S. O.....	do.....	22932	Do.....1672	See Lamartinière.

TABLE of Fiefs and Seigniories of Lower-Canada.—(Continued.)

Entered in the table of the Report of 1843.	Seigniories.	Situation according to the new division of Districts	Superficies in Arpents.	Names of original Grantees and date of Grant.	REMARKS.
132	152 Matane .....	Kamouraska.....	26460	D'Amour .....	1677
133	153 Mitis .....	do. ....		Langloiserie.....	See DePéras.
134	154 Mille Isles .....	Montreal.....	190512	Dumont.....	1714
135	155 Mille Vaches .....	Quebec .....	84672	Giffard.....	1653
136	156 Mingan or Terre ferme.....	do. ....	705000	Bissot.....	Uninhabited.
137	157 Monnoir .....	Montreal.....	42336	Ramesay.....	Uninhabited.
138	158 Monnoir augmentation .....	do. ....	42336	Do. ....	
139	159 Montapeme or Vitre.....	Quebec .....	5400	De Vitre.....	1739
140	160 Augmentation.....	Montreal.....	14364	Berment.....	1638
141	161 Montarville.....	Quebec .....	127008	Boucher.....	1749
142	162 Mont Murry .....	Gaspé .....	74088	Fraser.....	1710
143	163 Malbate or Murry bay .....	Quebec .....	84672	Bérulot.....	1762
144	164 Neuville or Point aux Tre.....	do. ....	77616	Nain.....	1762
145	165 Nicolet.....	Three-Rivers .....	28224	Bourdon.....	1653
146	166 Augmentation (La Fourche).....	do. ....	42336	Laubia.....	1672
	Niverville .....	do. ....		Cressé.....	1690
	Nicholas Rioux.....	Kamouraska .....		Leneuf.....	1660
147	167 Notre Dame des Anges .....	Quebec .....	28224	Jésuit Fathers.....	Nothing can be found relating to this Fief.
148	168 Nouvelle Longueuil .....	Montreal.....	42336	Lemoine.....	See part of Trois Pistoles.
149	169 Noyan .....	do. ....	42336	Chavois.....	Belongs to the Crown.
150	170 Orsanville D.....	Quebec .....	3575	General Hospital.....	[perficies here mentioned.
	171 Pachot.....	Kamouraska .....	3428	Pachot.....	[title; but its land has only the su-
	172 Pasbebiac.....	Gaspé .....		Leymar.....	pachot has double this superficies by its
151	173 Perthuis.....	Quebec .....	95256	Perthuis.....	1707 Paspébiac is forfeited.
152	174 Petite Nation .....	Ottawa .....	176400	Laval.....	1753 Comuted.
153	175 Pierreville.....	Three-Rivers .....	10584	Philippe.....	1674 Petite Nation only shews on the map
154	176 Pointe du Lac(Tonnacour) .....	do. ....	17640	Tonnacour.....	1683 64,000 arpents in superficies.
	177 Port Daniel.....	Gaspé.....		D'Eneau.....	1734
					1696 Forfeited.



TABLE of the Fiefs and Seigniories of Lower Canada.—(Continued.)

Entered on the Table of the Report of 1843.	Seigniories.	Situation according to the new division of Districts.	Superficies in Arpents.	Names of Original Grantees. and date of Grant.	REMARKS.
155	178 Pont Neuf (Cap Santé).	Quebec	31752	Croisille	1647
156	Quebec	do.			Town property.
179	Randin.	Three-Rivers	3528	Randin.	1672
180	Augmentation.	do.	3528	Berthier.	1674
181	Réaume.	Kamouraska.	7056	Lacombe.	1677
157	Repentigny	Montreal			Part of Lachenaie.
158	Rigand	do.	63504	Rigand	1732
159	Rimouski.	Kamouraska.		Lacardonnère.	1688
160	Rivière David	Three-Rivers			See St. Barnabé.
161	Rivière du Loup.	do.	29224	Lechasseur.	See Déguit.
162	Rivière du Loup.	Kamouraska.	84672	D'Artigny.	1683
163	Rivière Ouelle	do.	21168	Bouteillerie	1689
187	Augmentation.	do.	28224	Ramesay.	1672
					Terrebois to Green Island.
164	Rivière du Chêne	Montreal			See Mille-Isles.
165	Rivière du Sud.	Quebec	49336	Montmagny	1646
166	Roquetaillade.	Three-Rivers	10584	Roquetaillade.	Including Crane and Goose Islands.
167	Rouville	Montreal.	35280	Hertel Rouville	1675
168	Sabrevois	do.	42336	Sabrevois	The original Title only gave to Louville 21,168 arpents in superficies.
169	Ste. Anne La Pérade.	Three-Rivers	14112	Lanaudière.	
193	Augmentation.	do.	42336	Denis Widow Lanaudière	1672
194	Augmentation.	do.	21168	Pérade	1697
170	Augmentation.	do.	42336	Do.	Commuted.
171	Ste. Anne, des Monts.	Kamouraska	3528	Riverin.	1735
172	Ste. Anne la Pocatière	do.	15876	Lacombe.	1688
173	St Antoine (Tilly)	Quebec	15876	De Villieu	1672
174	St Armand	Montreal.	127008	Levasseur.	1672
175	St. Barnabé.	Kamouraska.	45864	Lepage	1748
201	St. Blain	Montreal.	3864		1751
176	202 St. Charles	do.	28224	De la Frénière.	1695
177	203 St. Charles	do.	10584	Fézeret	1701

TABLE of the Fiefs and Seigniories of Lower Canada.—(Continued.)

Entered in the table of the Report of 1843.	Number of separate titles.	Seigniories.	Situation according to the new division of Districts.	Superficies in Arpents.	Names of original Grantees and date of Grant.	REMARKS.
178	204	Ste. Claire	Quebec	14112	Lepage	1693
179	205	Ste. Croix	do.	70560	Ursulines	1652
180	206	St. Denis	Kamouraska	28224	Juchereau	1679
181	207	St. Denis	Montreal	28224	De Falaize	1694
182	208	St. Denis (Iste à la Peau)	Kamouraska	7056	Tachereau	1677
183	209	Etienne	Quebec	42336	Cugnet	1737
184	210	St. Francois	Three-Rivers	7056	Crévier	1678
185	211	St. Gabriel	Quebec	105840	Griffard	1647
186	212	St. Gilles	do.			
187	213	St. Hyacinthe	Montreal	127008	Rigard	1748
188	214	St. Ignace	Quebec	35280	Hotel-Dieu	1652
189	215	St. Jean	Three-Rivers	26460	Ursulines, Three-Rivers	1701
190	216	Augmentation	do.		Do.	1733
191	217	St. Jean Deschailons	Quebec	90728	De St. Ours	1674
192	218	Augmentation	do.		Do.	1752
193	219	St. Jean Port Joli	do.	28224	Langlois	1677
194	220	St. Joseph (Beauce)	do.	42336	Rigard	1736
195	221	St. Joseph or Pipmuy	do.	7056	Hebert	1626
196	222	St. Joseph	do.			
197	223	St. Marguerite	Three-Rivers	7938	DuBois	1691
198	224	St. Marie (Beauce)	do.	2646	LeMoine	1736
199	225	St. Marie Verchere	Quebec	42336	Tachereau	1736
200	226	St. Maurice	Montreal			
201	227	St. Michel and St. Germain	Three-Rivers	37044	De Livaudière	1752
202	228	St. Michel	Quebec	128244		
203	229	St. Ours	do.			
204	230	St. Roch	Montreal	98784	St. Ours	1672
205	231	St. Paul	Quebec	42336	St. Paul	1705
206	232	St. Sulpice	Three-Rivers			
207	233	Sault St. Louis	Montreal	84672	Léroyer	1640
208	234	Sault au Matelot	do.	28224	Jésuit Fathers	1680
209	235	Sault au Matelot	Quebec			

Belongs to the Crown.  
Separate title, contrary to the custom regulating the succession of fiefs; the superficies is comprised in Lauzon.

See Fournier.

[See superficies than the title.

See Cournoyer, the maps shows a small-  
Belongs to the Crown.

Renewed with an extended title.

See Ladurantaie,

See Godefroy.

Small fief in the Town of Québec.



TABLE of the Fiefs and Seigniories of Lower Canada.—(Continued.)

Entered on the Table of the Report of 1843.	Seigniories.	Situation. according to new division of Districts.	Superficies in Arpents.	Names of Original Grantees. and date of Grant.	REMARKS.
205	231 Shoolbred	Gaspé	15116	Shoolbred.....1788	Belong to the Crown. Belongs to the military authorities. See Ladurantaie.
206	232 Sillery	Quebec	10584	Jésuit Fathers.....1699	
207	233 Sorel	Montreal	35280	De Sorel.....1672	
208	234 St. Valier	Quebec	10594	De Ramsay.....1739	The remainder of this Grant is situated in the Province of New Brunswick, [commuted. See Mingan.
	235 Derrière Sorel (Ramsay)	Montreal	21168	De Joybert.....1702	
	236 Soulange	do.	282240	.....	
209	237 Temisconata and Madawaska	Kamouraska.	63404	.....	See St. Antoine. See Pointe du Lac. See Cap St. Michel.
	237 Terrebois	do.	.....	.....	
	237 Terreferme	Quebec	.....	Deslandes.....1673	
210	238 Terrebonne	Montreal	84672	Lepage.....1731	The same as Nicholas Rioux. Several small Fiefs, among which is that called Pachinerry, belongs to the Crown. See Tremblay.
	239 Augmentation	do.	.....	De Lacorne.....1753	
	240 Augmentation	do.	.....	.....	
211	241 Tilly	Quebec	2352	De Varenne.....1672	See St. Antoine. See Pointe du Lac. See Cap St. Michel.
	241 Tremblay or Varennes	Three Rivers	.....	.....	
	241 Tremblay or Varennes	Montreal	.....	.....	
212	242 Trinité	do.	28224	De Vitré.....1687	The same as Nicholas Rioux. Several small Fiefs, among which is that called Pachinerry, belongs to the Crown. See Tremblay.
	242 Trois Pistoles	Kamouraska.	84672	Rioux.....1751	
	243 Part of Trois Pistoles	do.	2000	Jésuit Fathers.....1650	
213	244 Three Rivers	Three Rivers	21168	De Vaudreuil.....1702	See Tremblay.
	245 Vaudreuil	Montreal	42336	De Lagorgendière.....1736	
	246 Vaudreuil	Quebec	.....	.....	
214	247 Varennes	Montreal	14112	De Verchères.....1672-1678	See Montapeine.
	247 Verchères with addition.	do.	1428	Vieupont.....1674	
	248 Vieupont	Three-Rivers	7056	Amiot.....1672	
215	249 Vincelot	Quebec	14112	De Vincelot.....1693	See Montapeine.
	250 Augmentation	do.	.....	.....	
	250 Vincelot	do.	.....	.....	
216	251 Vincennes	do.	5880	Bisot.....1672	See Montapeine.
	252 Yamaska	Three-Rivers	10584	La Vallière.....1682	
	.....	Grand Total.	12,822,503	.....	

## APPENDIX.

## No. 2.

TABLE shewing the names and superficies of fiefs the tenure whereof has been commuted, also those whereof the Crown is Dominant Proprietor, and those which are still uninhabited.

COMMUTED.			BELONGING TO THE CROWN.		UNINHABITED.			
No.	Names.	Superficies.	No.	Names.	Superficies.	No.	Names.	Superficies.
1	Anse l'Etang..	7,056	1	Batiscan .....	317,520	1	Anticosti.....	2,500,000
2	Beauharnois... <i>a</i>	127,000	2	Bonhomme...	14,112	2	Iles Mingan...	20,000
3	Lake Mitis...	81,672	3	Cape Magde-		3	Metapediac...	70,560
4	Lotbinière... <i>b</i>	111,132		leine.....	282,240	4	Mille-Vaches.	84,672
5	Pabos.....	63,504	4	Ile aux Reaux.	250	5	Terreferme...	705,600
6	Perthuis..... <i>c</i>	75,256	5	Laprairie....	56,448	6	Hubert.....	28,224
7	Mount Louis..	74,088	6	Lauzon.....	224,016			
8	River Magdeleine....	14,112	7	Notre Dame..	28,224			
9	La Pérade... <i>d</i>	99,952	8	Sillery.....	10,584			
10	Temiscouata..	382,240	9	St. Gabriel...	105,840			
			10	St. Maurice...	37,044			
			11	Sorel ( <i>e</i> ).....	35,280			
			12	Three Rivers.	2,000			
	Total....	1,039,012		Total....	1,143,558		Total....	3,409,056

## Notes on table No. 2.

*a* The letters patent of Commutation for Beauharnois are dated 1836; as the lands conceded before that period came under the general and forced Commutation, it became necessary to establish its superficies, which was given by Mr. Wakefield, the agent of the proprietors, in his letter to the Commissioners of 1843, (see appendix to report, No. 69.) I have, therefore, put down the number which represents one half of the whole superficies.

*b* The commuted part of Lotbinière is the augmentation of the 25th March, 1693; its superficies is shewn in the table.

*c* Perthuis, which was commuted in 1836, contained about 20,000 arpents up to that period, as I have inferred from the census report of 1844, the last we have; I have, therefore, deducted this number from the total superficies.

*d* La Pérade was commuted in 1830; by inference from the census of 1831, I have in the same manner deducted 20,000 arpents in superficies.

*e* Sorel belongs to the Military Authorities. I have put down as uninhabited some fiefs which only contain from 5 to 6 inhabitants.



## APPENDIX.

## No. 3.

TABLE shewing the superficies of the lands held by the Agricultural population of Lower Canada under both tenures, and other necessary details.

	Number of acres held.	Acres in cultivation.	Acres of Wood Land.	Number of Grist Mills.	Capital laid out in Grist Mills.	Number of holders of Landed Property.
Grand Total .....	8,113,379	3,605,076	4,508,303	375	£300,754 0 0	95,823
In common soc- cage.....	2,133,869	713,174	1,420,695	135	85,138 0 0	24,072
In Seigniories.....	5,979,510	2,891,902	3,087,608	240	215,616 0 0	71,751

## REDUCTION of the last series into arpents.

Total arpents in fiefs .....	6,523,101	3,154,802	3,368,299			
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NOTES.—The first series is taken altogether and as given by the enumeration of 1851; the others have been obtained from calculations based on data procured from the same tables and those of the census of 1844.

In the Seigniories, the sum of £215,616 as capital invested in Grist Mills, does not include the moving power which I estimate at an amount equal to the capital laid out on the buildings, say, total value of the Seigniorial Mills £431,232.

It is necessary to establish how many arpents out of the amount of that item which relates to the tenure *en fief*, are situate in the Seigniories whereof the Crown is Dominant Proprietor. In order to do so, I establish the following proportion: the superficies of the Seigniorial soil is to the superficies of the lands of the Crown *fiefs*, as the quantity of land held *en censive* is to the amount required: that is 581,754.

It follows from the foregoing data that the quantity of lands yet unconceded in the inhabited Seigniories, is 1,289,530 arpents for private *fiefs* and 561,804 for Crown *fiefs*.

The following table shews the Counties in Lower Canada in which the lands occupied and inhabited are exclusively subject to the tenure *en fief*, those which are held in common soccage, and those subject to both tenures.

## APPENDIX.

## No. 4.

Exclusively <i>en fiefs</i> .	Exclusively in common soccage.	Mixed.
Huntingdon .....	Shefford .....	Beauharnois.
Vaudreuil .....	Sherbrooke .....	Missisquoi (small portion <i>en fief</i> .)
Montreal .....	Stanstead .....	Nicolet (small portion in common soccage.)
Verchères .....	Drummond .....	Lotbinière (small portion in com. soc.)
Chambly .....	Megantic .....	Dorchester.
St. Hyacinthe .....	.....	Bellechasse (small portion in com. soc.)
Richelieu .....	.....	Kamouraska (small portion in com. soc.)
Yamaska .....	.....	Rimouski.
Rouville .....	.....	L'Islet (small portion in com. soc.)
Berthier* .....	.....	Gaspé (small portion <i>en fief</i> .)
Champlain* .....	.....	Bonaventure (small portion <i>en fief</i> .)
St Maurice* .....	.....	Ottawa (small portion <i>en fief</i> .)
Portneuf* .....	.....	Two Mountains.
Montmorency* .....	.....	Terrebonne (small portion in com. soc.)
		Leinster.
		Quebec (small portion in com. soc.)
		Saguenay.

The Counties marked with an asterisk are in progress of settlement on the Crown Lands.

## No. 5.

TABLE shewing approximately the superficies of unconceded lands in the Seigniories inhabited and not possessed by the Crown, in connexion with the three first provisions of Sections VI and X of the Project or Bill.

Number of arpents situate in the fiefs about three-quarters of which are conceded.	Number of arpents in the fiefs about half of which is conceded.	Number of arpents situate in the fiefs about a quarter of which is conceded.
About 250,000	About 200,000	About 250,000

I have obtained this Table by comparing the superficies of the fiefs with the superficies occupied according to the details of the enumeration of 1844, and by establishing, in order to obtain a definite result, a proportion between the occupied portion of the soil in 1844 with that occupied in 1851.



## APPENDIX.

## No. 6.

TABLE shewing the revenue derived from the Quint.

	£	s.	d.
Minimum year, (1811) .....	5	6	4
Maximum year, (1803).....	2856	16	5
Mean proportion of 47 years, from 1803 to 1851 .....	792	0	0
Mean proportion of 38 years, from 1803 to 1841 .....	836	0	0
Amount of total Quint during 47 years .....	37213	0	0

GENERAL REMARKS.—It is impossible to establish approximately the extent of *franc-aleus*, the superficies of which is comprised in that of the fiefs; but it is certain that they are few in number. Nor is the number of *arrière-fiefs* easy to establish; this is of no importance, however, for the plan provides for the method of proceeding to the commutation of the few existing *arrière-fiefs*. As the domains of the Seigniors are generally very fine property, they may without exaggeration be valued at an average of £2,000.

A fact which proves that the commutation is not considered as a very great advantage by the proprietors of lands under cultivation, is, that from the 3rd July, 1826, to the 24th January, 1842, only 39 applications for commutation in the Crown Seigniories were deposited, covering a superficies of 581,751 occupied arpents, and besides, these applications had only reference to Town property situate in Quebec.

The costs of collection, including losses by abandonment of lands and insolvability, may be valued at 15 per cent. of the gross revenue entered on the books. These items have amounted to more than 33 per cent. in the Seigniory of Beauharnois.

## APPENDIX.

No. 7.—TABLE shewing the revenue of divers Seigniories as furnished by the proprietors to the Commissioners of 1843.

Seigniories.	Districts.	Proprietors.	Superficies in arpents.	Annual <i>lods et ventes</i> .	Annual <i>cens et ventes</i> .	Total rights and dues.	Annual Revenue from Mills.	Remarks.
Laprairie .....	Montreal.....	The Crown.....	56448	£ 179	£ 263	£ 442	£ 280	* There is a discrepancy as respects the superficies of Grandpré between the map and Bouchette's Topography; I have taken the lesser one for this table; I impute upon the revenue the sum of £125 for <i>lods et ventes</i> , the return being given as a total sum.
Notre Dame .....	Quebec .....	Do. ....	28224	89	92	181	60	
Contrecoeur.....	Montreal.....	Hon. Mailhot.....	28224	300	168	468	25	
St. Anne and St. Denis.....	Kamouraska .....	Hon. Dionne .....	29332	71	36	107	275	
St. Roch des Aulnais....	Quebec .....	Do .....	42336	215	131	346	399	
Kamouraska and Grandville .....	Kamouraska .....	Madame Taché .....	52920	200	60	260	Not given.	
Grandpré, Dumontier, and half of Grosbois .....	Three Rivers .....	Colonel Gugy.....	*63504	125	.....	250	Not given.	† I have imputed out of the amount the sum of £215 on <i>lods et ventes</i> , the same amount as for St. Roch's which has the same superficies.
St. Hyacinthe.....	Montreal.....	L. A. Dessaulles.....	127008	400	1600	2000	1650	
Rivière Ouelle .....	Kamouraska .....	P. Casgrain .....	49392	130	125	255	300	
Belœil .....	Montreal.. ..	Mme. de Monténac .....	42336	†215	.....	650	100	
L'Islet.....	Quebec .....	C. E. Casgrain .....	21168	100	25	125	200	
			534492	2024	2500	5084	3289	

It would seem correct enough to believe that the 13 above-mentioned Seigniories, some of the finest of the four large Districts of Lower Canada, may serve together as a basis for calculations on which the mean value of the *lods et ventes* may be established.

Before all, we must deduct from the total amount of the superficies in arpents, the following figures, shewing the number of arpents then unceded, viz.:—For St. Roch's, 10,000; Grandville, 3,000; Grandpré, Dumontier and Grosbois, 15,000; Rivière Ouelle, 18,000; total, 46,000 to be deducted from 534,392. Now, if we divide £2,024 os. 0d. among 488,492 superficial arpents, we have an annual rent of a little under two *sols* per arpent, as representing the revenue of the *lods et ventes*.

The next table is a still better criterion comprising an average of seven years; it is framed on information furnished to the Commission of 1843 by William P. Christie, proprietor of the Seigniories therein mentioned.



## APPENDIX.

## No. 8.

Seigniories.	Number of mutations during seven years.	Amount of <i>lods et ventes</i> during seven years.	Annual mean amount of <i>lods et ventes</i> .	Superficies of the Seigniories in arpents.
		£	£	
Repentigny.....	5	83	12	15118
Lacolle.....	65	378	54	42336
DeLéry.....	208	1428	204	42336
Bleury.....	195	1034	145	31752
Sabrevois.....	93	605	86	42336
Noyan.....	94	603	86	42336
Totals.....	660	4131	587	216214

From the total superficies of 12,000 arpents must be deducted as being the number of arpents of unoccupied lands in those Seigniories at the date specified, £587, apportioned over 204,214 arpents, give a little more than  $1\frac{1}{4}$  sol per superficial arpent, as representing the annual value of the *lods et ventes* of the six Seigniories in question, which are old properties situated in the District of Montreal.

Mr. Louis Archambault, of St. Roch de l'Achigan, in the document published by him in December last, established, that in the Seigniorie in which he lived over an area "of  $2\frac{1}{4}$  leagues in front by six in depth" the *lods et ventes* produced £200 per annum; from the superficies given must be deducted 15,118 arpents for the Parish of Repentigny, which no longer forms part of the Seigniorie, the revenue arising from the *lods et ventes* of which is £200; that being done, we have for that Seigniorie of L'Assomption rather less than  $1\frac{1}{2}$  sol per arpent as the revenue of the *lods et ventes*. The result of this is, that in establishing an apportionment of two sols of annual rent per arpent, the maximum annual product of the *lods et ventes* is extinguished. From these tables it follows that the total value of the land held in Seigniorie conceded and occupied, calculating it only at £2 10s. per arpent, does not on average change hands every twenty years as has been stated, but in round members every fifty years, according to the average established by table No. 7, and every sixty by the average of No. 8. Here is another table which proves the proposition set forth that two sols is the maximum value of the revenue of the *lods et ventes* for all the Seigniories in the Country.

## REVENUES of certain Fiefs and Seigniories as furnished by the Proprietors and agents in 1843.

Names.	Districts	Annual <i>Cens et ventes.</i>	Annual <i>Lods et ventes.</i>	Total annual receipts.	Superficial ex- tent then con- ceded in acres.	Remarks.
Beauharnois (a).....	Montreal	£	£	£	141000	(a) The statistics for Beauharnois were furnished by Mr. Brown, the former agent; £760 is the maximum annual amount for twenty years. From 1822 to 1842, all the revenues collected including rents, <i>lods et ventes</i> , leases and mills, as furnished by Mr. Wakefield, averaged £3000 per annum and the net revenue £2000. This shows that the average annual value of the <i>lods et ventes</i> was much less than £700.
Sillery.....	Quebec	85	750	116	10384	
St. Gabriel.....	Do.	80	31	140	40000	
Bonhomme.....	Do.	25	60	28	13902	
Cap de la Magdelaine..	Three-Rivers	42	3	67	82240	
Batiscan.....	Do.	135	25	170	100000	
Fief Vincenne.....	Quebec	10	35	20	5880	
			10			
			914		394406	

This table No. 9, upon a general calculation, gives an average of less than  $1\frac{1}{2}$  sols of annual revenue of *lods et ventes* per superficial arpent, and a maximum for 20 years, in Beauharnois alone, of about  $2\frac{1}{2}$  sols per arpent conceded, whence we must deduct an average of less than 2 sols.

The following is the list in order of date of the documents from which I have collected the above information :

Topography published by Mr. Bouchette in.....	1815
Census of .....	1831
Report with appendix of the Commissioners of .....	1831
Census of .....	1843
Report of the Committee of the Legislative Assembly .....	1844
Tables of the Census of .....	1851
Documents published by order of Parliament.....	1851
Topographical maps published by the Board of Statistics .....	1852-53
Parliamentary Documents.....	1853













